

TOWN OF STAYTON
ZONING ORDINANCE
NO. 311

Stayton, Oregon

Prepared and approved by the City Planning Commission, Town of Stayton, Oregon.
Passed and adopted by the Common Council on the 8th day of February,
1961. Approved by the Mayor on the 8th day of February, 1961.

Attest:

Marjorie E. Kerber
Marjorie Kerber, City Recorder

M. Van Driesche

M. Van Driesche, Mayor

William M. Gehlen, City Attorney

TOWN OF STAYTON

Stayton, Oregon

Z O N I N G O R D I N A N C E

Ordinance NO. 311

Passed and Approved February 8, 1962

AN ORDINANCE TO DESIGNATE, REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR RESIDENCE, TRADE, INDUSTRY AND OTHER PURPOSES; TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES; TO REGULATE AND DETERMINE THE SIZE OF YARDS AND OTHER OPEN SPACES; AND TO REGULATE AND LIMIT THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS,

The Common Council of the Town of Stayton, Oregon, deems it necessary to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks, and other public requirements; and to promote health, safety, and general welfare all in accordance with a comprehensive plan;

NOW THEREFORE, THE TOWN OF STAYTON DOES ORDAIN AS FOLLOWS:

SECTION I.

Definitions

Certain words and terms used in this Ordinance are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A detached subordinate building or a portion of the main building, the use of which is incidental to that of the main building or the premises. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof such accessory building shall be regarded as part of the main building.

ACCESSORY USE: Shall mean a use incidental, appropriate, and subordinate to the main use of a lot or building.

ALLEY: A public thoroughfare which affords only a secondary means of access to abutting property.

ALTERATION: Is any change, addition or modification in construction or occupancy.

APARTMENT HOTEL: A building containing individual guest rooms or suites of rooms and dwelling units.

APARTMENT HOUSE: Same as "Dwelling, Multiple".

AUTOMOBILE AND/OR TRAILER SALES AREA: Uncovered premises used for display, sale or rental of new or used automobiles, trucks or trailers.

BASEMENT: A story partly or wholly underground. A basement shall be counted as a story in the height measurement where more than one half of its height is above the average level of the adjoining ground.

BOARD: The "Board of Adjustment".

BOARDING HOUSE: A building other than a hotel with not more than five guest rooms and not more than one kitchen where meals or lodging and meals are furnished for compensation.

BUILDING: Any structure having a roof supported by columns or walls for the housing, shelter or enclosure of persons, animals or property; when separated by dividing walls without openings, each portion of such building so

separated, shall be deemed a separate building.

BUILDING, HEIGHT OF: The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the beam height level between the eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

CAMP GROUNDS: Premises in one ownership where any persons camp or live in any manner other than in a permanent building constructed entirely of wood or more lasting materials; excepting automobile trailer camps as defined herein.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CHURCH: A building together with its accessory buildings and uses, where persons regularly assemble for worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

COMMISSION: Shall mean the Stayton City Planning Commission.

CLUB: Shall mean any organization, group or association supported by members thereof, the purpose of which is to render a service customarily rendered 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.

COURT APARTMENTS: One or more multiple dwellings arranged around two (2) or three (3) sides of a court which opens onto a street, or place approved by the City Planning Commission.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established

the City shall establish such curb level or its equivalent for the purpose of this ordinance.

DRIVE-IN: A drive-in shall be defined as a restaurant or a caterer of foods or a place where food is uttered and served to the public at large and where the business makes a specified practice as a part of its operation to serve and utter food in vehicles parked upon its premises or contiguous to its premises.

Note: Those establishments that serve both to parked vehicles upon its premises as a general practice in its business as well as serving food within its buildings, shall still for the purpose of this definition be classified as a drive-in.

DWELLING: Any building, or portion thereof, which is designed for or used for residential purposes.

DWELLING AND FAMILY: A building designed and occupied exclusively by one related family. Not more than three people in addition to the related family may be regularly lodged or furnished meals therein. The building may have only one kitchen.

DWELLING, TWO FAMILY: A building designed for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

DWELLING UNIT: Three or more rooms including sleeping room, bathroom, and kitchen designed for the permanent occupancy of one family.

FAMILY: One (1) or more persons occupying a single location and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

FILLING STATION: Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuels or oils.

FRONTAGE: All the property abutting on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, and of a dead-end street or city boundary, measured along the

street line.

GARAGE, PRIVATE: An accessory building designed or used for the parking or storage of not more than four (4) automobiles owned by occupants living in the main building to which it is accessory.

GARAGE, STORAGE: A building or portion thereof, other than a private garage, designed or used exclusively for parking or temporary storage of automobiles, and at which motor fuels and oils are not sold and automobiles are not equipped, repaired, hired or sold.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for the care, repair or equipment of automobile or where such vehicles are parked or stored for remuneration, servicing, hire or sale.

GUEST HOUSE: SERVANTS QUARTERS: An accessory building without kitchen or cooking facilities and occupied solely by non-paying guests or by servants employed on the premises.

HOME OCCUPATION: An occupation carried on by an occupant of the dwelling which is incidental or secondary to residential use provided it does not change the character of the dwelling, there is no display, and no stock in trade carried upon the premises, and no assistants are employed.

HOTEL: A building in which lodging or lodging and meals are provided for guests for compensation and in which there are more than five guest rooms and in which no provision is made for cooking in any guest room.

JUNK YARDS: Premises used for the storage or sale of used automobile parts, building material, etc., or for the storage, dismantling or abandonment of junk, obsolete automobiles, machinery or parts thereof.

LOADING SPACE: An off-street space in a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley, and which has a paved surface wherever required.

LODGING HOUSE: A building with not more than five (5) guest rooms where lodging is provided for compensation.

LOT: A parcel of land occupied or intended to be occupied by a main building and its accessory buildings, together with the yards and other open spaces required by this Ordinance, and having its principal frontage upon a street or officially approve place.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: A lot having frontage on two (2) parallel or nearly parallel streets.

LOT, OF RECORD: A lot which has been recorded as required by the laws of the State of Oregon, in the office of the Clerk of the County of Marion.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the time this Ordinance became effective, and which does not conform with the use regulations of the district in which it is located.

OCCUPANCY: Is the purpose for which a building or part thereof is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

PARKING AREA, PUBLIC: An open area other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE: A clear area for the temporary parking or storage of one (1) automobile, having an all-weather surface, of a width of not less than eight (8) feet and a length of not less than eighteen (18) feet; and having not less than seven and one-half ($7\frac{1}{2}$) feet in height when within a building or structure; further provided that such automobile parking space shall have easy access to a street or alley by a driveway having an all-weather surface.

STABLE, PRIVATE: A detached accessory building designed and used for the keeping of not more than two (2) horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A building in which a horse or horses are kept for

remuneration, hire or sale, or in which more than two horses are kept.

STREET: A public thoroughfare which provides the principal means of access to abutting property.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. Fourteen (14) feet from one floor surface to next floor surface above shall be considered as one (1) story in height measurements.

STORY, HALF: A story next under a sloping roof in which the ceiling surface is within two (2) feet of the floor surface in two opposite walls.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground. Driveways and walks not more than six (6) inches above the ground on which they rest shall not be considered structures.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams or girders.

TOURIST CAMP: An area containing one or more buildings providing separate temporary sleeping or living quarters and garage or adjacent parking space for automobile tourists or transients; including motels and auto courts.

TRAILER CAMP: An area containing separate spaces designed for the temporary parking and convenience of automobile tourist trailers.

USE: The purpose land or a building now serves or for which it is arranged, designed, or intended.

VISION CLEARANCE: A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner between the points on the street right-of-way line or street-alley right-of-way line measured from the corner and containing no planting, walls, structures or temporary or permanent obstructions exceeding three and one-half ($3\frac{1}{2}$) feet in height above the curb level.

YARD: An open space other than a court, on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard, which, except for permitted buildings, extends the full width of the front of the lot between the side lot lines and being the minimum horizontal distance between the front street line and the main building or any portion thereof, other than steps, uncovered balconies, uncovered porches and terraces.

YARD, REAR: A yard, which except for permitted buildings, extended the full width of the rear of the lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any portion thereof other than steps uncovered balconies, uncovered porches and terraces.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front yard to the rear yard; where no front yard is required the side yard extends from the front lot line to the rear yard.

SECTION II.

Districts

In order to designate, regulate and restrict the location and use of buildings, structures and lands for residences, trade, industry and other purposes; to regulate and limit the height and bulk of buildings; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population the Town of Stayton is hereby divided into districts of which there shall be six (6) in number known as:

- "R-1" SINGLE-FAMILY DWELLING DISTRICT
- "R-2" MULTIPLE-FAMILY DWELLING DISTRICT
- "C-1" LIGHT COMMERCIAL DISTRICT
- "C-2" COMMERCIAL DISTRICT
- "C-3" COMMERCIAL DISTRICT
- "M-1" INDUSTRIAL DISTRICT

These districts and their boundaries are shown upon a map made a part of this Ordinance which map is designated as the "DISTRICT MAP". The district map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if the districts, notations and information set forth by said map were all fully described herein.

All territory which may be hereafter annexed to the Town of Stayton, shall be considered as in the "R-1" Single-Family Dwelling District until otherwise changed by Ordinance.

Whenever any street, alley or other public way is vacated by official action of the City Council the zoning districts on each side of such street, alley or public way shall be automatically extended to the center of such vacation and the regulations of the districts so extended shall immediately apply to the areas thus included.

Except as hereinafter provided:

- a. No building shall be erected, enlarged or structurally altered, nor shall any land or building be used for any purpose other than is permitted in the district in which said building or land is located.
- b. No building shall be hereafter erected or structurally altered to exceed the height or bulk limits herein established for the district in which said building is located.
- c. No lot shall be so reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this Ordinance nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.
- d. No yard or other open space provided about any building in compliance with these regulations shall be considered as any part of a yard or open space for any other building, nor shall any yard or open space of adjacent property be considered as providing a yard or open space required for a building.
- e. Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one lot except as hereinafter provided. See Section "XI".

SECTION III.

"R-1" Single-Family Dwelling District

The following are the regulations of the "R-1" single-family dwelling district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building shall be here-

after erected, enlarged or structurally altered, except for the following uses:

1. Dwellings arranged and intended specifically for the use and occup-
ance of one family.
2. Parks, playgrounds or community centers owned and operated by a gov-
ernmental agency, or private non-commercial play-grounds for which a
special permit has been issued.
3. Accessory buildings on the rear half of the building site used as
garages, store rooms, work shops, utility rooms, play houses, or
similar and related uses for which a special permit has been issued.
Provided, however, that detached accessory buildings shall be locat-
ed not less than five (5) feet from any side lot line. Provided
also that where the terrain prohibits building on the rear half of
the building site, the same may be located on the front half of the
building site, provided that application has been made for such lo-
cation to the Common Council and a special permit has been issued
upon recommendation by the Planning Commission after public hearing,
examination of the location, and after due proof to the satisfaction
of the Planning Commission that such proposed use will not be unduly
detrimental to adjacent and surrounding property.
4. Schools (elementary, junior high and high). Provided that any bui-
ldings used for school purposes shall have at least 50 feet side and
rear yards and 30 feet front yards, except that on corner building
sites the yard on the street side may be limited to 30 feet.
5. Churches and public buildings such as fire stations, libraries and
community buildings, may be allowed by special permit from the Plan-
ning Commission after public hearing and examination of the location
has convinced the Planning Commission that such a church or public
building will not be unduly detrimental to adjacent and surrounding
property.
6. Truck gardening not involving the conduct of a retail business on the
premises.
7. The following uses may also be permitted if their location is first

approved by the Planning Commission:

- a. The office of a lawyer, physician, dentist, minister of religion or other person authorized by law to practice law, medicine, healing and the ministry, provided that:
 1. such office is situated in the same dwelling unit as the home of the occupant.
 2. such office shall not be used for the general practice of law, medicine, surgery and dentistry but may be used for consultation and emergency treatment as an adjunct to a principal office.
 3. there shall be no assistants employed.
 - b. A guest house on a lot having an area of not less than 12,000 sq. ft. and provided it is located not less than 70 feet from the front lot line. A guest house shall be a minimum of 5 feet from side and rear lot lines.
8. Name plates and signs as follows: One non-illuminated name plat not exceeding 1 sq. ft. in area, placed flat against the building for each dwelling containing the office of a lawyer, physician, surgeon, dentist, or minister, as a home occupation. One non-illuminated temporary sign not exceeding 5 sq. ft. in area appertaining to the lease, rental or sale of the building or premises on which it is located.

B. HEIGHT REGULATIONS:

No building or structure, nor the enlargement of any building or structure shall be hereafter erected to exceed $2\frac{1}{2}$ stories or more than 35 feet in height. Exceptions to height regulations are provided in Section XII.

C. AREA REGULATIONS:

1. Size of lot: Residential lots shall have a minimum average width of 70 feet and a minimum lot area per dwelling of 7,000 sq. ft., except that where a lot average width is less than 70 feet, and area less than 7,000 sq. ft., and was held under separate ownership at the time this Ordinance became effective such lot may be occupied by any use permitted in this section.

2. Area regulations: No building or structure shall be hereafter erected, enlarged or moved, unless the following yards and lot areas are provided for such buildings or structures:

- a. Front Yard: There shall be a front yard having a depth of not less than 20 ft.;
- b. Side Yard: On interior lots there shall be a side yard on each side of a building and such side yard shall have a width of not less than 5 ft. for one story buildings and $7\frac{1}{2}$ ft. for two story buildings.
- c. Exceptions: Set back regulations shall not be so interpreted as to reduce the buildable width of a lot subdivided prior to the passing of this Ordinance (after the required side yard set backs) to less than 28 feet for the main building nor less than 20 feet for an accessory building. Side yards may be reduced to a minimum of three (3) feet to allow for building widths up to the amounts stated above.

D. VISION CLEARANCE:

1. Vision clearance for corner lots shall be a minimum of 15 feet.
2. Vision clearance on alley-street intersections shall be a minimum of $7\frac{1}{2}$ feet.

E. PARKING REGULATIONS:

No dwelling shall be hereafter erected, enlarged or structurally altered unless there be provided on the same lot with the dwelling, parking space for one or more automobiles, or a garage, as required for each dwelling unit, based on the size of the dwelling and the number of prospective occupants thereof. Such parking space or garage shall not occupy any part of the front yard of such dwelling. Provided, however, that where the terrain makes it difficult to locate such parking space or garage in the rear of the side yard of such dwelling site, the same may be built in the front yard of the dwelling site after application has been made therefor, and the Common Council has secured the recommendation of the Planning Commission and has granted such permission. Such permission shall be granted only if the proposed location will not interfere with the use and values of adjoining properties and no such parking space or garage

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shall be located in the front yard of such dwelling without permission having been first obtained.

SECTION IV.

"R-2" Multiple-Family Dwelling District

The following are the regulations of the "R-2" multiple-family dwelling districts.

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following purposes:

1. Any use permitted in the "R-1" single-family residence district.
2. Multiple family dwellings.
3. Boarding and lodging houses.
4. Apartment houses.
5. Court apartments.
6. Hospitals and sanitariums (except animal hospitals, clinics, and hospitals and sanitariums for contagious, mental, drug or liquor addict cases).
7. Uses customarily incident to any of the above uses not involving the conduct of a business.
8. Buildings as permitted in the "R-1" single family dwelling districts and including a storage garage with a capacity for one (1) automobile for each dwelling unit on the lot.
9. Name plates and signs as follows:

One non-illuminated name plate not exceeding one (1) square foot in area, placed flat against the building, for each dwelling containing the office of a lawyer, physician, surgeon, dentist or minister as a home occupation.

One illuminated sign (excluding those of a flashing or animated character) not exceeding ten (10) square feet in area for a multiple dwelling containing three or more dwelling units.

One non-illuminated temporary sign not exceeding five (5) square feet in area appertaining to the lease, hire or sale of the premises or building. One public bulletin board not to exceed twelve (12) square feet in area for each church or other public building.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed three (3) stories or forty-five (45) feet in height.

Exceptions to the height regulations are provided in Section XII.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure:

1. FRONT YARD: There shall be a front yard having a depth of not less than twenty (20) feet.

Through lots having a frontage on two (2) streets shall provide the required front yard on each street.

2. SIDE YARD: On interior lots there shall be a side yard on each side of a building and such side yard, for a building not exceeding two and one-half ($2\frac{1}{2}$) stories in height, shall have a width of not less than five (5) feet for one story buildings and not less than $7\frac{1}{2}$ feet for two story buildings.

For buildings three (3) stories in height there shall be a side yard on each side of the building and such side yard shall have a width of not less than seven and one-half ($7\frac{1}{2}$) feet.

On corner lots, the side yard regulations shall be the same as for interior lots.

3. LOT AREA: Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5,000) square feet. The minimum lot area per family shall be five thousand (5,000) square feet for a single-family dwelling, three thousand (3,000) square feet for each family unit of a two-family dwelling and for all dwellings of more than two families after the first six thou-

sand (6,000) square feet for the first two families each family shall have an additional one thousand five hundred (1,500) square feet. A lot have a width of less than fifty (50) feet and an area of less than five thousand (5,000) square feet of record at the time of the passage of this Ordinance and the owner not having any other adjacent land may be occupied by one (1) single family dwelling provided all of the yard requirements of this Section IV are met.

4. VISION CLEARANCE: Vision clearance for corner lots shall be a minimum of fifteen (15) feet.

Vision clearance on alley-street intersections shall be a minimum of seven and one half (7½) feet.

Exceptions to the area regulations are provided in Section XII.

D. PARKING REGULATIONS:

No dwelling shall be hereafter erected, enlarged or structurally altered unless there be provided on the same lot with the dwelling parking space for one or more automobiles, or a garage, as required for each dwelling unit, based on the size of the dwelling and the number of prospective occupants thereof. Such parking space or garage shall not occupy any part of the front yard of such dwelling. Provided, however, that where the terrain makes it difficult to locate such parking space or garage in the rear of the side yard of such dwelling sit, the same may be built in the front yard of the dwelling site, after application has been made therefor, and the Common Council has secured the recommendation of the Planning Commission and has granted such permission. Such permission shall be granted only if the proposed location will not interfere with the use and values of adjoining properties and no such parking space or garage shall be located in the front yard of such dwelling without permission having first been obtained.

SECTION V.

"C-1" Light Commercial District

The following are the regulations for a "C-1" light commercial district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the

following uses:

1. Any use permitted in the "R-2" multiple-family dwelling district.
2. Advertising signs as permitted by the City of Stayton building or sign code.
3. Gift Shop.
4. Beauty Shop.
5. Dry Cleaning Establishment.
6. Florist Shop. (*excluding greenhouse or nursery*)
7. Medical and/or Dental Clinic.
8. Public parking area (subject to regulations in Section IX-B).
9. Other retail stores and shops similar to those listed above where permitted by the Common Council after written application and after written report of the Planning Commission.
10. Uses customarily incident to any of the above uses including usual accessory buildings.
11. Accessory buildings for dwellings, the same as permitted in the "R-2" multiple-family dwelling district.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed two and one-half (2½) stories or thirty-five (35) feet in height in this area.

Exceptions to the height regulations are provided in Section XII.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure within this area.

1. FRONT YARD: None is required save and except in the case of a dwelling and then the regulations for front yards for dwellings in "R-2" multiple family dwelling district shall be complied with.
2. SIDE YARDS: Where the side lot line of a lot in a "C-1" Commercial district abuts upon the side lot line of a lot in a dwelling dis-

trict, there shall be a side yard of not less than five (5) feet. In other cases a side yard for a commercial building shall not be required but if provided, shall be not less than five (5) feet in width. The side yard regulations for dwellings are the same as those in the "R-2" multiple-family dwelling district.

3. REAR YARD: A rear yard is not required for a commercial or industrial building.
4. LOT AREA: The buildings hereafter erected or used wholly or partly for dwelling purposes shall comply with the lot area and vision clearance requirements of the "R-2" multiple family dwelling district. Exceptions to the area regulations are provided in Section XII.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile parking space for each dwelling unit and such parking space to occupy no part of the frontage of the lot in front of the set back line required for the building on that lot.

Parking space for auto courts and motels to be as required in Section IX-A.

Off-street parking facilities shall be permanently provided on the site or within four hundred (400) feet thereof at the following ratio:

- a. One-half ($\frac{1}{2}$) square foot of parking area for each square foot of ground floor area exclusive of space used for parking of automobiles.
- b. One-fourth ($\frac{1}{4}$) square foot of parking area for each square foot of floor area above the ground floor exclusive of area used for parking of automobiles.

Loading space shall be provided as specified under the Industrial Zone provisions.

PER CENT OF COVERAGE. Full coverage is allowed; provided that minimum off-street parking, loading space and set backs have been provided.

BUILDING SETBACK REQUIREMENTS.

The front yard set back shall be the same as in the "R-2" zone.

Side yards will not be required except that no structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley. If side yards are created, they shall be a minimum of three (3) feet wide and three (3) feet deep.

Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley.

SECTION VI.

"C-2" COMMERCIAL DISTRICT

The following are the regulations for a "C-2" commercial district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

following uses:

1. Any use permitted in the "R-2" multiple-family dwelling district.
2. Advertising signs as permitted by the Town of Stayton building or sign code.
3. Amusement enterprises including billiard or pool hall, bowling alley, dance hall, theater, skating rink or similar amusements.
4. Automobile filling station.
5. Retail bakery.
6. Barber shop or beauty parlor.
7. Bicycle sales and repair shop.
8. Book, stationery or gift store.
9. Clothing store or tailor shop.
10. Drug store or confectionery store.
11. Dry goods store, millinery shop or dress shop.
12. Florist shop (excluding greenhouse or nursery).
13. Frozen food locker store, renting lockers for individual and family use.
14. Grocery, fruit, vegetable or delicatessen store.
15. Hardware or electrical appliance store.
16. Jewelry store.
17. Laundry or laundry agency, cleaning and pressing establishment but excluding the use or storage of highly volatile or combustible materials on the premises.
18. Lodges, clubs or fraternal organizations, business and professional offices.
19. Public parking area (subject to regulations in Section VIII-B).
20. Restaurant, tea room or cafeteria.
21. Studios.
22. Tourist court or motel or auto trailer parks.
23. Other retail stores and shops similar to those listed above where permitted by the Common Council after written application and after

written report of the Planning Commission. The above specified stores, shops and businesses shall be retail establishments selling new merchandise exclusively and conducted wholly within an enclosed building. Not more than thirty-five (35) per cent of the main building, exclusive of the basement, shall be used for storage purposes or for the processing or servicing of the retail goods to be sold on the premises.

24. Uses customarily incident to any of the above uses including usual accessory buildings.

25. Accessory buildings for dwellings, the same as permitted in the "R-2" multiple-family dwelling district.

26. Drive In: Shall be permitted only in the C-1 and C-2 Zone. Off street parking shall be provided to the extent of one parking space for each three seats or stools. 300 square feet shall be provided for each car. Where no seating space is provided, a minimum parking space for eight cars shall be provided. The parking area shall be covered with black top paving as specified by the Town Council. A concrete curb not less than 6 inches above the top of the paved area of the lot shall be built along the property line. Two driveways shall be provided, one for ingress and one for egress not exceeding sixteen feet in width.

The building structure shall be set back a minimum of fifty feet from property lines, on corner lots the set back on one side may be a minimum of twenty feet. Minimum of 10 cars, under General Provisions.

All off street parking areas shall have a six inch concrete curbing, above the level of the black top area. Driveways for ingress and egress shall be a maximum of sixteen feet. Parking areas shall be black top paving as specified by the Town Council.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height in this area.

Exceptions to the height regulations are provided in Section XI.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure within this area.

1. FRONT YARD: None is required save and except in the case of a dwelling and then the regulations for front yards for dwellings in "R-2" multiple family dwelling district shall be complied with.
2. SIDE YARDS: Where the side lot line of a lot in a "C-1" Commercial district abuts upon the side lot line of a lot in a dwelling district, there shall be a side yard of not less than five (5) feet. In other cases a side yard for a commercial building shall not be required but if provided, shall be not less than five (5) feet in width. The side yard regulations for dwellings are the same as those in the "R-2" multiple-family dwelling district.
3. REAR YARD: A rear yard is not required for a commercial or industrial building.
4. LOT AREA: The buildings hereafter erected or used wholly or partially for dwelling purposes shall comply with the lot area and vision clearance requirements of the "R-2" multiple family dwelling district.

Exceptions to the area regulations are provided in Section XI.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile parking

space for each dwelling unit and such parking space to occupy no part of the frontage of the lot in front of the set back line required for the building on that lot.

Parking space for auto courts and motels to be as required in Section VIII-A.

Off-street parking facilities shall be permanently provided on the site or within four hundred (400) feet thereof at the following ratio:

a. One-half ($\frac{1}{2}$) square foot of parking area for each square foot of ground floor area exclusive of space used for parking of automobiles.

b. One-fourth ($\frac{1}{4}$) square foot of parking area for each square foot of floor area above the ground floor exclusive of area used for parking of automobiles.

Loading space shall be provided as specified under the Industrial Zone provisions.

PER CENT OF COVERAGE. Full coverage is allowed; provided that minimum off-street parking, loading space and set backs have been provided.

BUILDING SETBACK REQUIREMENTS.

The front yard set back shall be the same as in the "R-2" zone.

Side yards will not be required except that no structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley. If side yards are created, they shall be a minimum of three (3) feet wide and three (3) feet deep.

Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley.

SECTION VI.

"C-2" Commercial District

The following are the regulations of the "C-2" commercial district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

1. Any use permitted in the "C-1" commercial district area, save and except automobile trailer courts.

2. Auditoriums
3. Automobile and trailer sales establishments, provided, any outof door sales or display areas are subject to the requirements in Section ⁹ VIII-B.
4. Business college.
5. Bus Station.
6. Department Store.
7. Feed, seed and fuel store conducted wholly within the building or within an enclosed fenced area.
8. Hotels and apartment hotels.
9. Medical or dental clinic and medical or dental laboratory.
10. Mortuaries.
11. Nursery store, florist shop, greenhouse or garden supply store, conducted wholly within buildings.
12. Paint shop conducted wholly within the building.
13. Pawn shop and second hand stores.
14. Pet shop or bird store.
15. Plumbing or sheet metal shop, conducted wholly within the building.
16. Printing, lithographing and publishing.
17. Public garage including usual automobile repairs and servicing when conducted wholly within the building. When a public garage is within fifty (50) feet of a dwelling district there shall be no openings in the building walls paralleling the boundaries of such dwelling district other than stationary windows, except where the building walls abut streets or alleys.
18. Public services including electric power and light substation, fire station, police station and telephone exchange.
19. Retail stores, shops and businesses.
20. Tire shops, conducted wholly within the building.
21. Transfer companies, including baggage storage and storage of house-

hold goods.

22. Wholesale establishments, but excluding wholesale storage and wholesale storage warehouses.
23. Soft drink bottling works conducted wholly within a building.
24. Uses customarily incident to any of the above uses including accessory buildings and a storage garage for use of patrons.

Provided, however, that the uses permitted in this "C-2", commercial district shall include no manufacturing, compounding, assembly processing or treatment of products other than those clearly incidental and essential to a retail store or business and sold at retail on the premises or conducted incidental to the main business conducted on the premises and not more than six (6) people shall engage in such incidental manufacture, compounding, processing or treatment. No use manufacturing, compounding, assembly processing or treatment of products shall be permitted that are objectionable by reason of odor, dust, noise, vibration or similar objections.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed three (3) stories or forty-five (45) feet in height.

Exceptions to the height regulations are provided in Section XI.

C. AREA REGULATIONS:

No building or structure shall hereafter be erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure:

1. FRONT YARD: None is required save and except in the case of a dwelling and then the regulations for front yards for dwellings in "R-2" district shall apply.
2. SIDE YARD: Where the side of a lot in the "C-2" commercial district abuts on the side of a lot in a dwelling district there shall be a side yard of not less than five (5) feet in width.

In other cases a side yard for a commercial building shall not be required, but if provided, it shall be not less than five (5) feet in width.

The side yard regulations for dwellings shall be the same as required in the "R-2" multiple-family dwelling district.

3. IOT AREA AND VISION CLEARANCE REGULATIONS: Buildings hereafter erected or used principally for dwelling purposes shall comply with the lot area and vision clearance regulations of the "R-2" multiple-family dwelling district.

Exceptions to the area regulations are provided in Section XI.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile parking space for each dwelling unit and such parking space shall not occupy any portion of the frontage forward of that of the set back line for buildings within that block. Parking space for motor courts and motels as required in Section VIII-A. Parking and loading space required shall be as in "C-1" Commercial District.

SECTION VII.

"M-1" Industrial District

The following are the regulations of the "M-1" industrial districts:

A. USE REGULATIONS:

A building, structure or land may be used and a building structure may be hereafter erected, enlarged or structurally altered for any use permitted in the "C-2" commercial district or for any other use and types of wholesaling and manufacturing except those excluded by ordinance or constituting a nuisance.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed three stories or forty-five (45) feet in height.

Exceptions to height regulations are provided in Section XI.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure:

1. FRONT YARD: None is required save and except in the case of a dwelling and then the regulations for front yards for dwellings in "R-2" district shall apply.
2. SIDE YARD: Where the side yard of a lot in the industrial district abuts upon the side of a lot in a dwelling district there shall be a side yard of not less than five (5) feet in width. In other cases a side yard for a commercial or industrial building shall not be required, but if provided, shall be not less than five (5) feet in width.

The side yard regulations for dwellings shall be the same as those required in an "R-2" multiple-family dwelling district.
3. REAR YARD: A rear yard is not required for a commercial or industrial building.
4. LOT AREA: Buildings hereafter erected or used principally for dwelling purposes shall conform to the lot area and vision clearance regulations of the "R-2" multiple-family dwelling district.

Exceptions to the area regulations are provided in Section XI.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile space for each dwelling unit, and such space not to occupy any part of the front yard forward of that required for set back lines for buildings upon that particular block. Parking space for motor courts and motels as required in Section VIII-A.

Loading space to be as required in Section VIII-C.

SECTION VIII.

General Provisions

A. PARKING SPACE FOR TOURIST COURTS AND MOTELS:

For each tourist court or motel hereafter erected, enlarged, or structurally altered there shall be provided one (1) parking space for each individual unit.

B. PUBLIC PARKING AREAS: AUTOMOBILE AND TRAILER SALES AREAS:

Every parcel of land hereafter used as a public automobile parking area or an automobile and trailer sales area shall be developed as follows:

1. Such areas shall be paved with an asphalt, concrete or other all weather dust-free surface and shall have necessary bumper rails on the street side except for entrance space.
2. Where a public parking area or automobile and trailer sales area is illuminated, the lights shall be fixed to reflect the light away from the adjoining premises in dwelling districts.

C. LOADING SPACE:

An industrial or commercial building in the industrial zone hereafter erected or enlarged on a lot which abuts upon an alley or has frontage on two streets and which building has a floor area of three thousand (3,000) or more square feet, shall provide a permanent off-street loading space not less than twenty-five (25) feet long, ten (10) feet wide and fourteen (14) feet high on or accessible to such alley or street; if such building has a floor area of more than ten thousand (10,000) square feet, two (2) such loading spaces shall be provided, and for each thirty-six thousand (36,000) square feet of floor space such building exceeds ten thousand (10,000) square feet one (1) additional such loading space shall be provided.

OUTSIDE STORAGE YARDS: Outside storage yards are permitted in the "M-1" industrial district. Except where written application has been made and the Common Council has granted permission following written report of the Planning Commission and public hearing, outside storage yards are not permitted in any other district.

SECTION IX.

Non-Conforming Uses

1. Advertising signs and bulletin boards which do not conform to the provisions of this ordinance shall be discontinued one (1) year from the date of the passage of this ordinance.
2. The use of a building or land existing at the time of the passage

of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification.

A non-conforming use shall not hereafter be changed to a less restricted use.

3. Whenever the use of a building becomes non-conforming by reason of a subsequent change in the zoning ordinance, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.
4. Should a non-conforming use of a building or land be discontinued for a period of six (6) months, the use of such building or land shall thereafter conform to a use permitted in the district in which it is located.
5. An existing building occupied by a use not permitted in the district in which it is located, shall not be enlarged, extended or structurally altered unless its use is changed to a use permitted in the district in which such building is located.
6. When a building, the use of which does not conform to the provisions of this ordinance, is damaged by fire, flood, explosion or other calamity or act of God or the public enemy and may be rebuilt under the building code of the Town of Stayton, it may be restored and its use, at the time of the damage, be resumed. When a building, the use of which does not conform to the provisions of this ordinance is damaged by fire, flood, explosion or other calamity or act of God, or the public enemy and may not be rebuilt under the building code, it may not be restored except to a use permitted in the district in which it is located.

7. The Common Council of the Town of Stayton, after public hearing, may permit the following uses in districts from which they are prohibited by this ordinance, where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the purposes and objectives of the Master Plan:

- a. Educational institutions.
- b. Governmental buildings (Federal, State, and local).
- c. Public libraries or museums.
- d. Public Utilities and public service uses or structures.
- e. Hospitals and sanitariums.
- f. Public parking area in an "R-2" multiple-family district not more than two hundred (200) feet from a "C-1" or "C-2" commercial district or an "M-1" industrial district.

Such permitted parking area shall be subject to the following conditions and limitations:

1. The regulations of Section VIII-B.
2. The parking area shall be used solely for the parking of passenger automobiles.
3. The parking area shall not be used for the sale, repair or servicing of automobiles but be for the temporary parking of automobiles only.
4. No flashing illuminated signs shall be permitted on such parking areas and no sign shall exceed an area or size of ten (10) square feet.
5. Such other and further conditions as the Common Council of the Town of Stayton may deem desirable to reduce adverse effect of such parking area upon the preservation of the residential character and development of the residence district in which said parking area is located.

Written application for any of the above uses of this paragraph 7 shall be referred to the Planning Commission. The Commission shall make written report of its findings and determination to the Common Council within ninety (90) days of the written application. Should the Planning Commission fail to make its report within ninety (90) days, the absence of such report shall be deemed the approval of that body. No action by the Common Council shall be taken on the application until after the report of or the time allowed for the report of the Planning Commission. If the application is approved by the Common Council, a special permit for one of the uses listed in this paragraph 7 may be issued.

SECTION X.

Residential Community Plan

The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the Common Council of the Town of Stayton a plan for the use and development of all of the tract of land for residential purposes, or for the repair and alteration of any existing housing development on an area comprising ten (10) acres or more. The development or alteration plan shall be referred to the Planning Commission for study and report and for public hearing. If the Commission approves the plans, these plans together with the recommendations of the Commission, shall then be submitted to the Common Council for consideration and approval. The recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community development plan meets the following conditions:

1. The property adjacent to the area of the proposed community development will not be adversely affected.
2. That the plan is consistent with the intent and purpose of this ordinance to promote the public health, safety, convenience and general welfare.
3. That the buildings shall be used only for single-family dwellings, two-family dwellings, and multiple-family dwellings and necessary

accessory uses of such a community including churches.

4. That the average lot-area- per family of this community development, exclusive of the area occupied by streets, will not be less than the lot-area-per-family required in the district in which the community development is located.

If the Common Council approves the community development plan, building permits and certificates of occupancy may be issued even though the use of the land and the locations of the buildings to be erected in the area and the yards do not conform in all respects to the regulations of the district in which the community development is located.

SECTION XI.

Exceptions and Regulations

The requirements of the districts set forth in this ordinance shall be subject to the following exceptions and regulations:

HEIGHT EXCEPTIONS:

1. In districts limiting the height to two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, churches and schools may be increased in height to three (3) stories or forty-five (45) feet, provided, the required side yards are increased to fifteen (15) feet or more in width.
2. In the districts limiting the height to three (3) stories or forty five (45) feet, public or semi-public buildings, office buildings, churches, schools, hospitals or sanitariums may be erected to a height not exceeding six (6) stories or seventy-five (75) feet when the required front, side, and rear yards are increased an additional one (1) foot for each one (1) foot such building exceeds the three (3) stories or forty-five (45) feet in height.
3. In any district in which the height of buildings is limited, a building may be erected to such height as may be permitted by the Common Council, after written application for the erection of a building in excess of the height permitted in the district in which said building is sought to be erected, has been made to the

Common Council.

After receipt of such application the same shall be referred to the Planning Commission for study and report and for public hearing. If the Planning Commission, after public hearing, finds that such building will be safe from the standpoint of fire protection and safety of the public and that it would be to the best interest of the Town of Stayton that such building should be built in accordance with the plans and specifications submitted, the recommendation of the Commission shall then be submitted to the Common Council for consideration and approval. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed building meets the requirements above stated.

If the Common Council approves the plans and specifications and said application, building permits and certificates of occupancy may be issued even though the height of the building, the use of the land and the location of the building to be erected and the yards and open spaces shown on the plan do not conform in all respects to the regulations of the district in which said building is to be located.

4. Chimneys, tanks, towers, steeples, flagpoles, smokestacks, silos, grain elevators, pent-houses, scenery lofts, cupolas, domes, spires, false mansards, parapet walls, or similar building appurtenances may be erected to a height permitted and in accordance with the ordinances of the Town of Stayton, provided no additional floor space is added thereby.

AREA EXCEPTIONS:

5. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached two-family dwellings, four-

family dwellings, and row houses not more than two rooms deep.

6. Yards for Group Buildings:

- a. In the case of group buildings, the yards on the boundary of the site shall not be less than required for one building on a lot in the district in which the property is located.
- b. The distance between group buildings shall be twice the width of the required side, front and rear yards or the sum of a combination of any two such yards.
- c. In the case of group dwellings rearing on a side yard such side yard shall be increased one (1) foot in width for each additional dwelling or dwelling unit rearing on such side yard. If group dwellings front on a side yard, such side yard shall be increased two (2) feet for each additional dwelling or dwelling unit fronting on the side yard.

7. The front and side yard requirements shall be waived for dwellings, hotels, boarding and lodging houses erected above the ground floor of a building when such ground floor is designed exclusively for commercial or industrial purposes, provided no side or front yards are required for such commercial or industrial building by the regulations of the district in which they are located.

8. In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half ($\frac{1}{2}$) of the width of such alley may be assumed to be a portion of such rear yard.

9. Accessory buildings may occupy not more than thirty (30) per cent of a required rear yard. In the case of reversed frontage no accessory building shall be built nearer than five (5) feet to the line of the abutting lot in the rear. Accessory buildings shall not exceed one (1) story in height. A detached accessory building shall be located not less than five (5) feet from the main building.

10. Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:
- a. Accessory-building in the rear yard.
 - b. Ordinary building projections such as cornices, eaves, belt courses, sills, or other similar architectural features of not more than twenty-four (24) inches into any required yard.
 - c. Open uncovered fire escapes or balconies projecting not more than four (4) feet into any required yard.
 - d. Ordinary projections of chimneys when not obstructing light, air or access.
 - e. Open, unenclosed porch or paved terrace or platform, not covered by roof or canopy, projecting not more than eight (8) feet into a required front yard or more than five (5) feet into an apartment court.

SECTION XII.

STREETS DEFINED. On the following named streets there shall be a minimum set back of 45 feet measured at right angles from the center of the street.

Ida Street extending from Fourth Street to the West city limits, First Street from South city limits to North city limits, Washington Street extending from Sixth Street to the West city limits, Sixth Street to Jefferson Street, Jefferson Street to Tenth Street and Mehama Road from Tenth Street to the East city limits on Mehama Road.

Note: That the Planning Commission strongly recommends that all streets lying within the boundaries of the city limits as now existing or proposed by annexation be widened to conform with the above.

SECTION XIII.

THE PLANNING COMMISSION IN ADDITION TO ITS OTHER DUTIES SHALL SERVE AS THE BOARD OF ADJUSTMENT.

APPEALS:

Appeals to the board may be taken by any person aggrieved or by an officer, department, board - other than the board of adjustment - or bureau

of the Town of Stayton, affected by any decision or ruling of the building inspector made under this ordinance. Such appeal shall be taken within a reasonable time, as shall be prescribed by the board by a general rule, by filing with the building inspector and with the board a written notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from.

Upon receipt of the record, the board shall set the matter for hearing and give notice by mail of the date, time and place thereof to the appellant, the building inspector, and to any other party at interest, who has requested such notice. Such notice by the board shall be given at least seven (7) days prior to the date of such hearing.

The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant in the matter appealed.

POWER AND DUTIES OF THE BOARD:

The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building inspector in the enforcement of this ordinance, and it shall have the following powers:

1. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of this ordinance.
2. To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the map fixing the several districts accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

3. To permit a variation in the regulations of a district when a property owner can show that by reason of an irregular shaped lot, existing topographical conditions or other peculiar and exceptional condition that the strict application of the regulations of this ordinance would result in hardship amounting to a practical confiscation of the property, provided that the variation can be granted without detriment to public safety, health and welfare and in keeping with the intent and purpose of this ordinance and its comprehensive plan for the Town of Stayton.

SECTION XIV.

Certificate of Occupancy

Hereafter no land shall be used or occupied except for agricultural purposes permitted under this ordinance and no building hereafter erected, enlarged or structurally altered shall be used or occupied and no change of use for land or building shall be permitted until a certificate of occupancy shall have been issued by the City Recorder, Common Council or Planning Commission, stating that the building or the proposed use of the land complies with the requirements of this ordinance.

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 coincident 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 Town of Stayton applicable to such changed use. Pending the issuance of a re-

gular 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 prior to the issuance of a regular certificate of occupancy,

CERTIFICATE OF OCCUPANCY FOR LAND:

Application for a certificate of occupancy shall be made for the use of vacant land or a change in the use of land. Such certificate will be issued after application is made, provided the use of the land applied for is a use permitted in the district in which it is located and conforms to the regulations of this ordinance, and provided further, if such land is or was a portion of a lot or tract under one ownership, which said lot or tract was required to furnish sufficient area for a particular use, that such use of the land applied for will not reduce the area of the balance of the lot or tract of land from which it is taken so that such balance fails to comply with the requirements of this ordinance as to such balance of said lot or tract, considering the purpose for which the balance of said lot or tract is then being used.

A record of each certificate of occupancy shall be kept in the office of the building inspector 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.

SECTION XV.

Plats

Each application for a building permit for a certificate of occupancy of land or building or a change, in the use of land 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 informat-

ion 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.

SECTION XVI.

Boundaries of Districts

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:

1. 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.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the 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.
3. 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.

SECTION XVII.

Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, cov-

enants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

SECTION XVIII.

Changes and Amendments

The Common Council may from time to time on its own motion or on petition, or recommendation by the Planning Commission, amend, supplement or change by ordinance or variance, the boundaries of the districts, or the regulations established by this ordinance. Any such proposed amendment, supplement or change shall first be submitted to the Planning Commission for its recommendations and report. Upon the filing of the recommendation and report of the Planning Commission on such proposed amendment, supplement or change, the Common Council shall set a time for a public hearing. Notice of the public hearing shall be published in a newspaper of general circulation in the city at least ten (10) days before the date of such hearing. The applicant shall pay costs of the Town of Stayton related to the changes proposed not be exceed the sum of \$25.00. That a private application shall contain the approval of at least 60% of the adjacent property owners, and further that upon action being taken upon said application, no further applications shall be filed for a period of six months.

A. 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.

B. Uses not specifically covered.

The official charged with administering this ordinance 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.

C. Variances.

1. Variances from restrictions governing use of property.

The city council may permit and authorize a variance from the restrictions governing the use of property if, from the petition, or the facts presented at a public hearing, or by investigation, the city council finds that said property meets the requirements set forth in the above paragraphs.

a. That the strict application of the provisions of the zoning ordinance to a particular property would result in practical difficulties or unnecessary hardships not required by the general purpose and intent of the ordinance.

b. That the circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property do not require the rezoning of the entire area.

c. That the granting of a variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or neighborhood in which the property is located.

d. That the granting of a variance will not be contrary to the objectives of the comprehensive zoning plan.

Any person filing an application for a variance from restrictions governing use of property shall pay a filing fee to the Town of Stayton in the sum of Ten Dollars (\$10.00) for each application. Said filing fee shall be used to cover the cost of publication of notices and other costs in processing said variance application.

A variance granted by the council shall be in accordance with plans prepared by the petitioner and on file with the building inspector.

All rights granted by the variance shall be null and void after six months from the date of approving said variance unless the grantee shall have

commenced actual construction and upon request be able to establish to the satisfaction of the common council that it is still the intention of the grantee to use said variance and that construction to completion would be carried on within a reasonable time thereafter.

In granting a variance the city council shall impose such conditions as are necessary to protect the public health, safety or welfare, in accordance with the purpose and intent of the zoning ordinance.

2. Variances from Area, Height Limit of Buildings, or Yard Requirement.

The Board of appeals and adjustments of the Town of Stayton is hereby appointed to hear all applications for variances from regulations covering area, height limit of buildings or yard requirements. The board of appeals may authorize said variances if, from the petition, or the facts presented at a public hearing conducted by the board of appeals, or from the investigation, said board of appeals finds:

a. That the variance requested is not in conflict with the general purpose and intent of this ordinance.

b. That the variance will not be detrimental to the public welfare or convenience.

c. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner, and to prevent unreasonable property loss or unnecessary hardship, and will not be detrimental nor injurious to the property or improvements of other owners of property.

d. Hearing

1. Hearing before common council.

Upon the filing of a verified application for variance use, the common council shall set a time for hearing the same, and shall give a reasonable public notice of the time and place of said hearing.

E. Interpretation of regulations.

It shall be the duty of appropriate administrative officers of the city to interpret the provisions of this ordinance covering such variances so that the spirit of the ordinance shall be observed, public interest protected, and

substantial justice done.

F. Right of appeal.

Property owners, or interested persons, may appeal a decision of the building inspector to the city manager within thirty days. Matters referred to the board of appeals and adjustments for variances may be further appealed to the common council of the Town of Stayton and said common council of the Town of Stayton shall have the right and power to grant variances from any of the provisions of this ordinance. All matters requiring determination of policy by the common council shall take the usual procedure of first being submitted to the city planning commission.

G. Changes and amendments.

a. This ordinance and amendments thereto may be amended, supplemented, or changed from time to time by the common council of the Town of Stayton after a report thereupon by the planning commission and after public hearings as required by law; An amendment, supplement, or change may be initiated by the council, the planning commission, or by petition of property owners.

b. Any person desiring a reclassification of any premises, building or structure, or any variance from any of the restrictions as set forth herein shall file an application for said reclassification or variance with the city manager. *Recorder*

c. Any property owner who desires to have his property reclassified shall first prove to the planning commission by appearing before said commission in person, by representation, or by writing, that the requested reclassification will prove beneficial to the public safety, health, convenience, comfort, prosperity and the general welfare.

SECTION XIX.

Validity

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A detached subordinate building or a portion of the main building, the use of which is incidental to that of the main building or the premises. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof such accessory building shall be regarded as part of the main building.

ACCESSORY USE: Shall mean a use incidental, appropriate, and subordinate to the main use of a lot or building.

ALLEY: A public thoroughfare which affords only a secondary means of access to abutting property.

ALTERATION: Is any change, addition or modification in construction or occupancy.

APARTMENT HOTEL: A building containing individual guest rooms or suites of rooms and dwelling units.

APARTMENT HOUSE: Same as "Dwelling, Multiple."

AUTOMOBILE AND/OR TRAILER SALES AREA: Uncovered premises used for display, sale or rental of new or used automobiles, trucks or trailers.

BASEMENT: A story partly or wholly underground. A basement shall be counted as a story in the height measurement where more than one half of its height is above the average level of the adjoining ground.

BOARD: The "Board of Adjustment."

BOARDING HOUSE: A building other than a hotel with not more than five guest rooms and not more than one kitchen where meals or lodging and meals are furnished for compensation.

BUILDING: Any structure having a roof supported by columns or walls for the housing, shelter or enclosure of persons, animals or property; when separated by dividing walls without openings, each portion of such building so

the City shall establish such curb level or its equivalent for the purpose of this ordinance.

DRIVE-IN: A drive in shall be defined as a restaurant or a caterer of foods or a place where food is uttered and served to the public at large and where the business makes a specified practice as a part of its operation to serve and utter food in vehicles parked upon its premises or contiguous to its premises.

Note: Those establishments that serve both to parked vehicles upon its premises as a general practice in its business as well as serving food within its buildings, shall still for the purpose of this definition be classified as a drive in.

DWELLING: Any building, or portion thereof, which is designed for or used for residential purposes.

DWELLING AND FAMILY: A building designed and occupied exclusively by one related family. Not more than three people in addition to the related family may be regularly lodged or furnished meals therein. The building may have only one kitchen.

DWELLING, TWO FAMILY: A building designed for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

DWELLING UNIT: Three or more rooms including sleeping room, bathroom, and kitchen designed for the permanent occupancy of one family.

FAMILY: One (1) or more persons occupying a single location and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

FILLING STATION: Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuels or oils.

FRONTAGE: All the property abutting on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, and of a dead-end street or city boundary, measured along the

YARD, FRONT: A yard, which, except for permitted buildings, extends the full width of the front of the lot between the side lot lines and being the minimum horizontal distance between the front street line and the main building or any portion thereof, other than steps, uncovered balconies, uncovered porches and terraces.

YARD, REAR: A yard, which, except for permitted buildings, extended the full width of the rear of the lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any portion thereof other than steps uncovered balconies, uncovered porches and terraces.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front yard to the rear yard; where no front yard is required the side yard extends from the front lot line to the rear yard.

SECTION II.

Districts

In order to designate, regulate and restrict the location and use of buildings, structures and lands for residences, trade, industry and other purposes; to regulate and limit the height and bulk of buildings; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population the Town of Stayton is hereby divided into districts of which there shall be ^{SIX} ~~five~~ (5) in number known as:

"R-1" SINGLE-FAMILY DWELLING DISTRICT

"R-2" MULTIPLE-FAMILY DWELLING DISTRICT

"C-1"^{LIGHT} COMMERCIAL DISTRICT

"C-2" COMMERCIAL DISTRICT

"M-1" INDUSTRIAL DISTRICT

These districts and their boundaries are shown upon a map made a part of this Ordinance which map is designated as the "DISTRICT MAP." The district map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if the districts, notations and information set forth by said map were all fully described herein.

sand (6,000) square feet for the first two families each family shall have an additional one thousand five hundred (1,500) square feet. A lot having a width of less than fifty (50) feet and an area of less than five thousand (5,000) square feet of record at the time of the passage of this Ordinance and the owner not having any other adjacent land may be occupied by one (1) single family dwelling provided all of the yard requirements of this Section IV are met.

4. VISION CLEARANCE: Vision clearance for corner lots shall be a minimum of 15 feet.

Vision clearance on alley-street intersections shall be a minimum of 7½ feet.

Exceptions to the area regulations are provided in Section XI.

D. PARKING REGULATIONS:

No dwelling shall be hereafter erected, enlarged or structurally altered unless there be provided on the same lot with the dwelling, parking space for one or more automobiles, or a garage, as required for each dwelling unit, based on the size of the dwelling and the number of prospective occupants thereof. Such parking space or garage shall not occupy any part of the front yard of such dwelling. Provided, however, that where the terrain makes it difficult to locate such parking space or garage in the rear of the side yard of such dwelling site, the same may be built in the front yard of the dwelling site, after application has been made therefor, and the Common Council has secured the recommendation of the Planning Commission and has granted such permission. Such permission shall be granted only if the proposed location will not interfere with the use and values of adjoining properties and no such parking space or garage shall be located in the front yard of such dwelling without permission having first been obtained.

SECTION V.

"C-1" Commercial District

The following are the regulations for a "C-1" commercial districts:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the

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ACCESSORY BUILDING: A detached subordinate building or a portion of the main building, the use of which is incidental to that of the main building or the premises. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof such accessory building shall be regarded as part of the main building.

ACCESSORY USE: Shall mean a use incidental, appropriate, and subordinate to the main use of a lot or building.

ALLEY: A public thoroughfare which affords only a secondary means of access to abutting property.

ALTERATION: Is any change, addition or modification in construction or occupancy.

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APARTMENT HOUSE: Same as "Dwelling, Multiple."

AUTOMOBILE AND/OR TRAILER SALES AREA: Uncovered premises used for display, sale or rental of new or used automobiles, trucks or trailers.

BASEMENT: A story partly or wholly underground. A basement shall be counted as a story in the height measurement where more than one half of its height is above the average level of the adjoining ground.

BOARD: The "Board of Adjustment."

BOARDING HOUSE: A building other than a hotel with not more than five guest rooms and not more than one kitchen where meals or lodging and meals are furnished for compensation.

BUILDING: Any structure having a roof supported by columns or walls for the housing, shelter or enclosure of persons, animals or property; when separated by dividing walls without openings, each portion of such building so

the City shall establish such curb level or its equivalent for the purpose of this ordinance.

DRIVE-IN: A drive in shall be defined as a restaurant or a caterer of foods or a place where food is uttered and served to the public at large and where the business makes a specified practice as a part of its operation to serve and utter food in vehicles parked upon its premises or contiguous to its premises.

Note: Those establishments that serve both to parked vehicles upon its premises as a general practice in its business as well as serving food within its buildings, shall still for the purpose of this definition be classified as a drive in.

DWELLING: Any building, or portion thereof, which is designed for or used for residential purposes.

DWELLING AND FAMILY: A building designed and occupied exclusively by one related family. Not more than three people in addition to the related family may be regularly lodged or furnished meals therein. The building may have only one kitchen.

DWELLING, TWO FAMILY: A building designed for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

DWELLING UNIT: Three or more rooms including sleeping room, bathroom, and kitchen designed for the permanent occupancy of one family.

FAMILY: One (1) or more persons occupying a single location and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

FILLING STATION: Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuels or oils.

FRONTAGE: All the property abutting on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, and of a dead-end street or city boundary, measured along the

YARD, FRONT: A yard, which, except for permitted buildings, extends the full width of the front of the lot between the side lot lines and being the minimum horizontal distance between the front street line and the main building or any portion thereof, other than steps, uncovered balconies, uncovered porches and terraces. X

YARD, REAR: A yard, which, except for permitted buildings, extended the full width of the rear of the lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any portion thereof other than steps uncovered balconies, uncovered porches and terraces.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front yard to the rear yard; where no front yard is required the side yard extends from the front lot line to the rear yard. X

SECTION II.

Districts

In order to designate, regulate and restrict the location and use of buildings, structures and lands for residences, trade, industry and other purposes; to regulate and limit the height and bulk of buildings; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population the ^{City} ~~Town~~ of Stayton is hereby divided into districts of which there shall be ^{Six (6)} ~~five (5)~~ in number known as:

"R-1" SINGLE FAMILY DWELLING DISTRICT

"R-2" MULTIPLE FAMILY DWELLING DISTRICT

"G-1" ^{LIGHT} COMMERCIAL DISTRICT

"G-2" COMMERCIAL DISTRICT
G-3 " "

"M-1" INDUSTRIAL DISTRICT

These districts and their boundaries are shown upon a map made a part of this Ordinance which map is designated as the "DISTRICT MAP." The district map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if the districts, notations and information set forth by said map were all fully described herein.

and (6,000) square feet for the first two families each family shall have an additional one thousand five hundred (1,500) square feet. A lot having a width of less than fifty (50) feet and an area of less than five thousand (5,000) square feet of record at the time of the passage of this Ordinance and the owner not having any other adjacent land may be occupied by one (1) single family dwelling provided all of the yard requirements of this Section IV are met.

4. VISION CLEARANCE: Vision clearance for corner lots shall be a minimum of 15 feet.

Vision clearance on alley-street intersections shall be a minimum of $7\frac{1}{2}$ feet.

Exceptions to the area regulations are provided in Section XI, ^{XII}

D. PARKING REGULATIONS:

No dwelling shall be hereafter erected, enlarged or structurally altered unless there be provided on the same lot with the dwelling, parking space for one or more automobiles, or a garage, as required for each dwelling unit, based on the size of the dwelling and the number of prospective occupants thereof. Such parking space or garage shall not occupy any part of the front yard of such dwelling. Provided, however, that where the terrain makes it difficult to locate such parking space or garage in the rear of the side yard of such dwelling site, the same may be built in the front yard of the dwelling site, after application has been made therefor, and the Common Council has secured the recommendation of the Planning Commission and has granted such permission. Such permission shall be granted only if the proposed location will not interfere with the use and values of adjoining properties and no such parking space or garage shall be located in the front yard of such dwelling without permission having first been obtained.

SECTION V. "C-1" Commercial District

The following are the regulations for a "C-1" ^{District} commercial district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the

"C-3" Light Commercial District





"C-3" Light Commercial District shall contain specifically light commercial enterprises, business and structures, specifically:

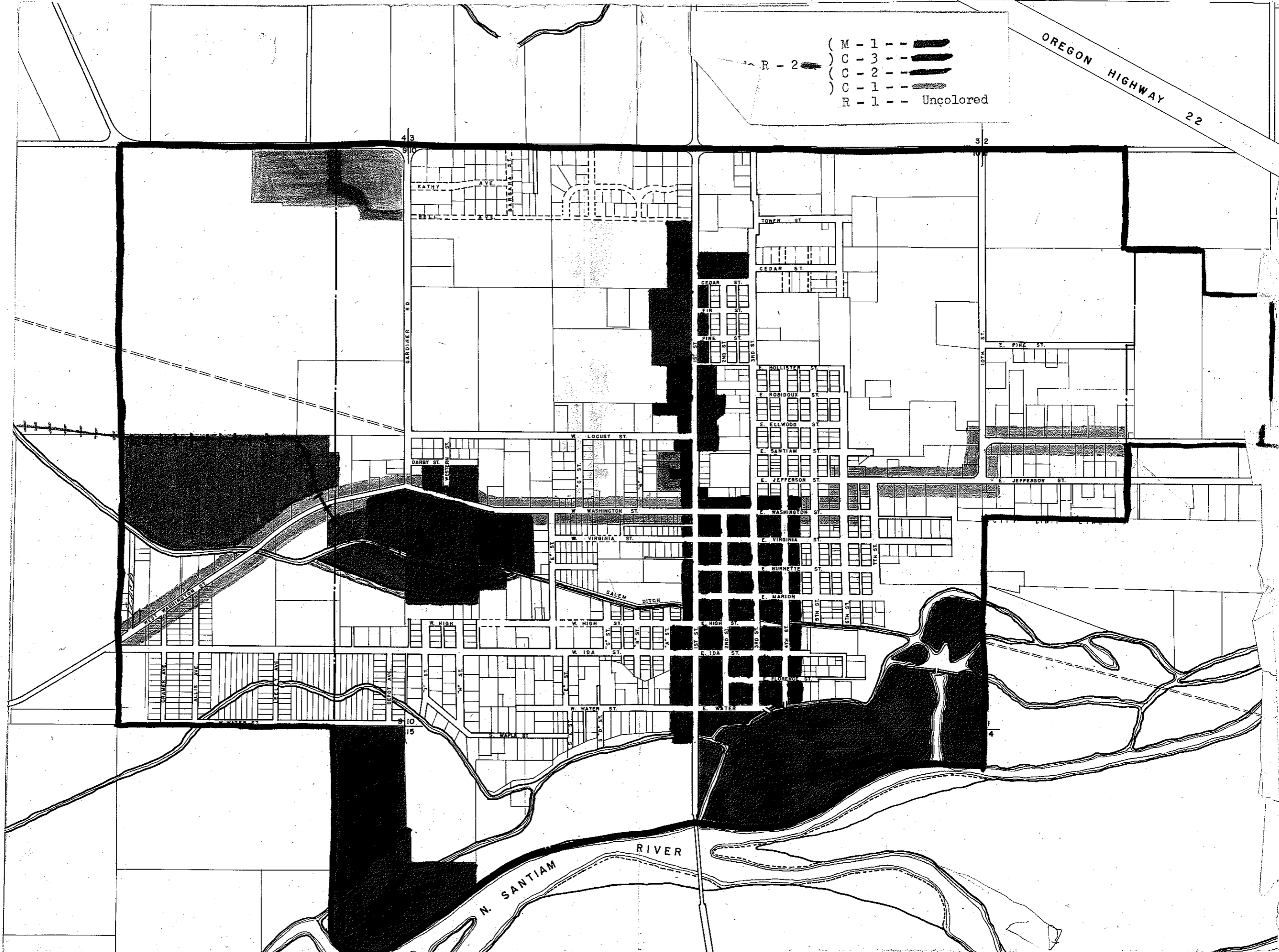
- A. Any structure, building or occupation allowed in residential districts 1 and 2 as defined in this Ordinance.
- B. The following businesses shall be the only businesses permitted in this zoned area, to-wit:
 1. Gift Shop
 2. Beauty Shop
 3. Drycleaning establishment
 4. Florist Shop
 5. Medical and/or Dental Clinic

The description of the area to be zoned as "C-3" as shown on the map is as follows:

W. Washington Street, extending from the West City Limits of the Town of Stayton, to ^NFirst Street, excepting therefrom all of the Stayton Canning Corporation and its properties which is zoned industrial, thence on ^NWashington Street extending to ^NFirst Street, from ^NFifth Street, easterly to ^NSixth Street, thence North on ^NSixth Street to ^EJefferson Street, thence East on ^EJefferson Street to ^NTenth Street, thence North on ^NTenth Street to old Mehama Road, thence East on Mehama Road to the Easterly City Limits of the Town of Stayton, and that the said Zone shall extend 100 feet from the respective property lines, on the said streets. & *avenues*

OREGON HIGHWAY 22

- (M - 1 - - 
- (C - 3 - - 
- (C - 2 - - 
- (C - 1 - - 
- R - 1 - - Uncolored



TOWN OF STAYTON

Stayton, Oregon

ZONING ORDINANCE

Ordinance No. 311

Passed and Approved February 8, 1962

AN ORDINANCE TO DESIGNATE, REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR RESIDENCE, TRADE, INDUSTRY AND OTHER PURPOSES; TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES; TO REGULATE AND DETERMINE THE SIZE OF YARDS AND OTHER OPEN SPACES; AND TO REGULATE AND LIMIT THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS,

The Common Council of the Town of Stayton, Oregon, deems it necessary to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks, and other public requirements; and to promote health, safety, and general welfare all in accordance with a comprehensive plan;

NOW THEREFORE, THE TOWN OF STAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Definitions

Certain words and terms used in this Ordinance are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A detached subordinate building or a portion of the main building, the use of which is incidental to that of the main building or the premises. Where a substantial part of the wall of an accessory

TOWN OF STAYTON

Stayton, Oregon

Z O N I N G O R D I N A N C E

Ordinance No. 311

Passed and approved February 6, 1962

AN ORDINANCE TO DESIGNATE, REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR RESIDENCE, TRADE, INDUSTRY AND OTHER PURPOSES; TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES; TO REGULATE AND DETERMINE THE SIZE OF YARDS AND OTHER OPEN SPACES; AND TO REGULATE AND LIMIT THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

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ACCESSORY USE: Shall mean a use incidental, appropriate, and subordinate to the main use of a lot or building.

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ALTERATION: Is any change, addition or modification in construction or occupancy.

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BOARD: The "Board of Adjustment".

BOARDING HOUSE: A building other than a hotel with not more than five guest rooms and not more than one kitchen where meals or lodging and meals are furnished for compensation.

BUILDING: Any structure having a roof supported by columns or walls for the housing, shelter or enclosure of persons, animals or property; when separated by dividing walls without openings, each portion of such building so separated, shall be deemed a separate building.

BUILDING, HEIGHT OF: The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the beam height level between the eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

CAMP GROUNDS: Premises in one ownership where any persons camp or live in any manner other than in a permanent building constructed entirely of wood or more lasting materials; excepting automobile trailer camps as defined herein.

CEMETERY: Land used or intended to be used for the burial of the dead

and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CHURCH: A building together with its accessory buildings and uses, where persons regularly assemble for worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

COMMISSION: Shall mean the Dayton City Planning Commission.

CLUB: Shall mean any organization, group or association supported by members thereof, the purpose of which is to render a service customarily rendered 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.

COURT APARTMENTS: One or more multiple dwellings arranged around two (2) or three (3) sides of a court which opens onto a street, or place approved by the City Planning Commission.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established the City shall establish such curb level or its equivalent for the purpose of this ordinance.

DRIVE-IN: A drive-in shall be defined as a restaurant or a caterer of foods or a place where food is uttered and served to the public at large and where the business makes a specified practice as a part of its operation to serve and utter food in vehicles parked upon its premises or contiguous to its premises.

Note: Those establishments that serve both to parked vehicles upon its premises as a general practice in its business as well as serving food within its buildings, shall still for the purpose of this definition be classified as a drive-in.

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DWELLING AND FAMILY: A building designed and occupied exclusively by one related family. Not more than three people in addition to the related family may be regularly lodged or furnished meals therein. The building may have only one kitchen.

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DWELLING, MULTIPLE: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

DWELLING UNIT: Three or more rooms including sleeping room, bathroom, and kitchen designed for the permanent occupancy of one family.

FAMILY: One (1) or more persons occupying a single location and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

FILLING STATION: Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuels or oils.

FRONTAGE: All the property abutting on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, and of a dead-end street or city boundary, measured along the street line.

GARAGE, PRIVATE: An accessory building designed or used for the parking or storage of not more than four (4) automobiles owned by occupants living in the main building to which it is accessory.

GARAGE, STORAGE: A building or portion thereof, other than a private garage, designed or used exclusively for parking or temporary storage of automobiles, and at which motor fuels and oils are not sold and automobiles are not equipped, repaired, hired or sold.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for the care, repair or equipment of automobiles or where such vehicles are parked or stored for remuneration, servicing, hire or sale.

GUEST HOUSE: SERVANTS QUARTERS: An accessory building without kitchen or cooking facilities and occupied solely by non-paying guests or by servants employed on the premises.

HOME OCCUPATION: An occupation carried on by an occupant of the dwelling which is incidental or secondary to residential use provided it does not change the character of the dwelling, there is no display, and no stock in trade carried upon the premises, and no assistants are employed.

HOTEL: A building in which lodging or lodging and meals are provided for guests for compensation and in which there are more than five guest rooms and in which no provision is made for cooking in any guest room.

JUNK YARDS: Premises used for the storage or sale of used auto-

mobile parts, building material, etc., or for the storage, dismantling or abandonment of junk, obsolete automobiles, machinery or parts thereof.

LOADING SPACE: An off-street space in a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley, and which has a paved surface wherever required.

LODGING HOUSE: A building with not more than five (5) guest rooms where lodging is provided for compensation.

LOT: A parcel of land occupied or intended to be occupied by a main building and its accessory buildings, together with the yards and other open spaces required by this Ordinance, and having its principal frontage upon a street or officially approved place.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: A lot having frontage on two (2) parallel or nearly parallel streets.

LOT, OF RECORD: A lot which has been recorded as required by the laws of the State of Oregon, in the office of the Clerk of the County of Marion.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the time this Ordinance became effective, and which does not conform with the use regulations of the district in which it is located.

OCCUPANCY: Is the purpose for which a building or part thereof is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

PARKING AREA, PUBLIC: An open area other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE: A clear area for the temporary parking or storage of one (1) automobile, having an all-weather surface, of a width of not less than eight (8) feet and a length of not less than eighteen (18) feet; and having not less than seven and one-half (7½) feet in height when within a building or structure; further provided that such automobile parking space shall have easy access to a street or alley by a driveway having an all-weather surface.

STABLE, PRIVATE: A detached accessory building designed and used

for the keeping of not more than two (2) horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A building in which a horse or horses are kept for remuneration, hire or sale, or in which more than two horses are kept.

STREET: A public thoroughfare which provides the principal means of access to abutting property.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. Fourteen (14) feet from one floor surface to next floor surface above shall be considered as one (1) story in height measurements.

STORY, HALF: A story next under a sloping roof in which the ceiling surface is within two (2) feet of the floor surface in two opposite walls.

STRUCTURES: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground. Driveways and walks not more than six (6) inches above the ground on which they rest shall not be considered structures.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams or girders.

TOURIST CAMP: An area containing one or more buildings providing separate temporary sleeping or living quarters and garage or adjacent parking space for automobile tourists or transients; including motels and auto courts.

TRAILER CAMP: An area containing separate spaces designed for the temporary parking and convenience of automobile tourist trailers.

USE: The purpose land or a building now serves or for which it is arranged, designed, or intended.

VISION CLEARANCE: A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner between the points on the street right-of-way line or street-alley right-of-way line measured from the corner and containing no planting, walls, structures or temporary or permanent obstructions exceeding three and one-half (3½) feet in height above the curb level.

YARD: An open space other than a court, on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard, which, except for permitted buildings, extends the full width of the front of the lot between the side lot lines and being the minimum horizontal distance between the front street line and the main building or any portion thereof, other than steps, uncovered balconies, uncovered porches and terraces.

YARD, REAR: A yard, which except for permitted buildings, extended the full width of the rear of the lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any portion thereof other than steps, uncovered balconies, uncovered porches and terraces.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front yard to the rear yard; where no front yard is required the side yard extends from the front lot line to the rear yard.

SECTION II.

Districts

In order to designate, regulate and restrict the location and use of buildings, structures and lands for residences, trade, industry and other purposes; to regulate and limit the height and bulk of buildings; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population the Town of Stayton is hereby divided into districts of which there shall be six (6) in number known as:

- "R-1" SINGLE-FAMILY DWELLING DISTRICT
- "R-2" MULTIPLE-FAMILY DWELLING DISTRICT
- "C-1" LIGHT COMMERCIAL DISTRICT
- "C-2" COMMERCIAL DISTRICT
- "C-3" COMMERCIAL DISTRICT
- "I-1" INDUSTRIAL DISTRICT

These districts and their boundaries are shown upon a map made a part of this Ordinance which map is designated as the "DISTRICT MAP". The district map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if the districts, notations and information set forth by said map were all fully described herein.

All territory which may be hereafter annexed to the Town of Stayton, shall be considered as in the "R-1" Single-Family Dwelling District until otherwise changed by Ordinance.

Whenever any street, alley or other public way is vacated by official action of the City Council the zoning districts on each side of such street, alley or public way shall be automatically extended to the center of such vacation and the regulations of the districts so extended shall immediately apply to the areas thus included.

Except as hereinafter provided:

- a. No building shall be erected, enlarged or structurally altered, nor shall any land or building be used for any purpose other than is permitted in the district in which said building or land is located.
- b. No building shall be hereafter erected or structurally altered to exceed the height or bulk limits herein established for the district in which said building is located.
- c. No lot shall be so reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this Ordinance nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.
- d. No yard or other open space provided about any building is in compliance with these regulations shall be considered as any part of a yard or open space for any other building, nor shall any yard or open space of adjacent property be considered as providing a yard or open space required for a building.
- e. Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one lot except as hereinafter provided. See section "X1".

SECTION III.

"R-1" Single-Family Dwelling District

The following are the regulations of the "R-1" single-family dwelling district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building shall be hereafter erected, enlarged or structurally altered, except for the following uses:

1. Dwellings arranged and intended specifically for the use and occupancy of one family.
2. Parks, playgrounds or community centers owned and operated by

a governmental agency, or private non-commercial play-grounds for which a special permit has been issued.

5. Accessory buildings on the rear half of the building site used as garages, store rooms, work shops, utility rooms, play houses, or similar and related uses for which a special permit has been issued. Provided, however, that detached accessory buildings shall be located not less than five (5) feet from any side lot line. Provided also that where the terrain prohibits building on the rear half of the building site, the same may be located on the front half of the building site, provided that application has been made for such location to the Common Council and a special permit has been issued upon recommendation by the Planning Commission after public hearing, examination of the location, and after due proof to the satisfaction of the Planning Commission that such proposed use will not be unduly detrimental to adjacent and surrounding property.
4. Schools (elementary, junior high and high). Provided that any buildings used for school purposes shall have at least 50 feet side and rear yards and 30 feet front yards, except that on corner building sites the yard on the street side may be limited to 30 feet.
5. Churches and public buildings such as fire stations, libraries and community buildings, may be allowed by special permit from the Planning Commission after public hearing and examination of the location has convinced the Planning Commission that such a church or public building will not be unduly detrimental to adjacent and surrounding property.
6. Truck gardening not involving the conduct of a retail business on the premises.
7. The following uses may also be permitted if their location is first approved by the Planning Commission:
 - a. The office of a lawyer, physician, dentist, minister of religion or other person authorized by law to practice law, medicine, healing and the ministry, provided that:
 1. such office is situated in the same dwelling unit as the home of the occupant.
 2. such office shall not be used for the general practice of law, medicine, surgery and dentistry but may be used for consultation and emergency treatment as an adjunct to a principal office.
 3. there shall be no assistants employed.

b. A guest house on a lot having an area of not less than 12,000 sq. ft. and provided it is located not less than 70 feet from the front lot line. A guest house shall be a minimum of 5 feet from side and rear lot lines.

6. Name plates and signs as follows: One non-illuminated name plate not exceeding 1 sq. ft. in area, placed flat against the building for each dwelling containing the office of a lawyer, physician, surgeon, dentist, or minister, as a home occupation. One non-illuminated temporary sign not exceeding 5 sq. ft. in area appertaining to the lease, rental or sale of the building or premises on which it is located.

B. HEIGHT REGULATIONS:

No building or structure, nor the enlargement of any building or structure shall be hereafter erected to exceed 2½ stories or more than 35 feet in height. Exceptions to height regulations are provided in Section XII.

C. AREA REGULATIONS:

1. Size of lot: Residential lots shall have a minimum average width of 70 feet and a minimum lot area per dwelling of 7,000 sq. ft., except that where a lot average width is less than 70 feet, and area less than 7,000 sq. ft., and was held under separate ownership at the time this Ordinance became effective such lot may be occupied by any use permitted in this section.

2. Area regulations: No building or structure shall be hereafter erected, enlarged or moved, unless the following yards and lot areas are provided for such buildings or structures:

a. Front Yard: There shall be a front yard having a depth of not less than 20 ft.;

b. Side Yard: On interior lots there shall be a side yard on each side of a building and such side yard shall have a width of not less than 5 ft. for one story buildings and 7½ ft. for two story buildings.

c. Exceptions: Set back regulations shall not be so interpreted as to reduce the buildable width of a lot subdivided prior to the passing of this Ordinance (after the required side yard set backs) to less than 28 feet for the main building nor less than 20 feet for an accessory building. Side yards may be reduced to a minimum of three (3) feet to allow for building widths up to the amounts stated above.

D. VISION CLEARANCE:

1. Vision clearance for corner lots shall be a minimum of 15 feet.
2. Vision clearance on alley-street intersections shall be a minimum of 7 1/2 feet.

E. PARKING REGULATIONS:

No dwelling shall be hereafter erected, enlarged or structurally altered unless there be provided on the same lot with the dwelling, parking space for one or more automobiles, or a garage, as required for each dwelling unit, based on the size of the dwelling and the number of prospective occupants thereof. Such parking space or garage shall not occupy any part of the front yard of such dwelling. Provided, however, that where the terrain makes it difficult to locate such parking space or garage in the rear of the side yard of such dwelling site, the same may be built in the front yard of the dwelling site after application has been made therefor, and the Common Council has secured the recommendation of the Planning Commission and has granted such permission. Such permission shall be granted only if the proposed location will not interfere with the use and values of adjoining properties and no such parking space or garage shall be located in the front yard of such dwelling without permission having been first obtained.

SECTION IV.

"R-2" Multiple-Family Dwelling District

The following are the regulations of the "R-2" multiple-family dwelling districts.

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following purposes:

1. Any use permitted in the "R-1" single-family residence district.
2. Multiple family dwellings.
3. Boarding and lodging houses.
4. Apartment houses.
5. Court apartments.
6. Hospitals and sanitariums (except animal hospitals, clinics, and hospitals and sanitariums for contagious, mental, drug or liquor addict cases).
7. Uses customarily incident to any of the above uses not involv-

ing the conduct of a business.

8. Buildings as permitted in the "R-1" single family dwelling districts and including a storage garage with a capacity for one (1) automobile for each dwelling unit on the lot.
9. Name plates and signs as follows:

One non-illuminated name plate not exceeding one (1) square foot in area, placed flat against the building, for each dwelling containing the office of a lawyer, physician, surgeon, dentist or minister as a home occupation.

One illuminated sign (excluding those of a flashing or animated character) not exceeding ten (10) square feet in area for a multiple dwelling containing three or more dwelling units.

One non-illuminated temporary sign not exceeding five (5) square feet in area appertaining to the lease, hire or sale of the premises or building. One public bulletin board not to exceed twelve (12) square feet in area for each church or other public building.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed three (3) stories or forty-five (45) feet in height.

Exceptions to the height regulations are provided in Section III.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure:

1. FRONT YARD: There shall be a front yard having a depth of not less than twenty (20) feet.

Through lots having a frontage on two (2) streets shall provide the required front yard on each street.

2. SIDE YARD: On interior lots there shall be a side yard on each side of a building and such side yard, for a building not exceeding two and one-half (2½) stories in height, shall have a width of not less than five (5) feet for one story buildings and not less than 7½ feet for two story buildings.

For buildings three (3) stories in height there shall be a side yard on each side of the building and such side yard shall

have a width of not less than seven and one-half (7½) feet.

On corner lots, the side yard regulations shall be the same as for interior lots.

3. LOT AREA: Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per family shall be five thousand (5,000) square feet for a single-family dwelling, three thousand (3,000) square feet for each family unit of a two-family dwelling and for all dwellings of more than two families after the first six thousand (6,000) square feet for the first two families each family shall have an additional one thousand five hundred (1,500) square feet. A lot having a width of less than fifty (50) feet and an area of less than five thousand (5,000) square feet of record at the time of the passage of this Ordinance and the owner not having any other adjacent land may be occupied by one (1) single family dwelling provided all of the yard requirements of this Section IV are met.

4. VISION CLEARANCE: Vision clearance for corner lots shall be a minimum of fifteen (15) feet.

Vision clearance on alley-street intersections shall be a minimum of seven and one-half (7½) feet.

Exceptions to the area regulations are provided in Section III.

D. PARKING REGULATIONS:

No dwelling shall be hereafter erected, enlarged or structurally altered unless there be provided on the same lot with the dwelling parking space for one or more automobiles, or a garage, as required for each dwelling unit, based on the size of the dwelling and the number of prospective occupants thereof. Such parking space or garage shall not occupy any part of the front yard of such dwelling. Provided, however, that where the terrain makes it difficult to locate such parking space or garage in the rear of the side yard of such dwelling site, the same may be built in the front yard of the dwelling site, after application has been made therefor, and the Common Council has secured the recommendation of the Planning Commission and has granted such permission. Such permission shall be granted only if the proposed location will not interfere with the use and values of adjoining properties and no such parking space or garage shall be located in the front yard of such dwelling without permission having first been obtained.

SECTION 7.

"C-1" Light Commercial District

The following are the regulations for a "C-1" light commercial district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

1. Any use permitted in the "R-2" multiple-family dwelling district.
2. Advertising signs as permitted by the City of Dayton building or sign code.
3. Gift Shop.
4. Beauty Shop.
5. Dry Cleaning Establishment.
6. Florist Shop. (excluding greenhouse or nursery)
7. Medical and/or Dental Clinic.
8. Public parking area (subject to regulations in Section IX-B).
9. Other retail stores and shops similar to those listed above where permitted by the Common Council after written application and after written report of the Planning Commission.
10. Uses customarily incident to any of the above uses including usual accessory buildings.
11. Accessory buildings for dwellings, the same as permitted in the "R-2" multiple-family dwelling district.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed two and one-half (2½) stories or thirty-five (35) feet in height in this area.

Exceptions to the height regulations are provided in Section XII.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure within this area.

1. FRONT YARD: None is required save and except in the case of

a dwelling and then the regulations for front yards for dwellings in "R-2" multiple family dwelling district shall be complied with.

2. **SIDE YARDS:** Where the side lot line of a lot in a "C-1" Commercial district abuts upon the side lot line of a lot in a dwelling district, there shall be a side yard of not less than five (5) feet. In other cases a side yard for a commercial building shall not be required but if provided, shall be not less than five (5) feet in width. The side yard regulations for dwellings are the same as those in the "R-2" multiple-family dwelling district.
3. **REAR YARD:** A rear yard is not required for a commercial or industrial building.
4. **LOT AREA:** The buildings hereafter erected or used wholly or partly for dwelling purposes shall comply with the lot area and vision clearance requirements of the "R-2" multiple family dwelling district. Exceptions to the area regulations are provided in Section XII.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile parking space for each dwelling unit and such parking space to occupy no part of the frontage of the lot in front of the set back line required for the building on that lot.

Off-street parking facilities shall be permanently provided on the site or within four hundred (400) feet thereof at the following ratios:

- a. One-half (1/2) square foot of parking area for each square foot of ground floor area exclusive of space used for parking of automobiles.
- b. One-fourth (1/4) square foot of parking area for each square foot of floor area above the ground floor exclusive of area used for parking of automobiles.

PER CENT OF COVERAGE. Full coverage is allowed; provided that minimum off-street parking, loading space and set backs have been provided.

BUILDING SETBACK REQUIREMENTS. The front yard set back shall be the same as in the "R-2" zone.

Side yards will not be required except that no structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley. If side yards are created, they shall be a minimum of three (3) feet wide and three (3) feet deep.

Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley.

SECTION VI.

"C-2" Commercial District

The following are the regulations for a "C-2" Commercial District:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

1. Any use permitted in the "C-1" light commercial district area.
2. Advertising signs as permitted by the Town of Stayton building or sign code.
3. Amusement enterprises including billiard or pool hall, bowling alley, dance hall, theater, skating rink or similar amusements.
4. Automobile filling station.
5. Retail bakery.
6. Barber shop.
7. Bicycle sales and repair shop.
8. Book, stationery or gift store.
9. Clothing store or tailor shop.
10. Drug store or confectionery store.
11. Dry goods store, millinery shop or dress shop.
12. Frozen food locker store, renting lockers for individual and family use.
13. Grocery, fruit, vegetable or delicatessen store.
14. Hardware or electrical appliance store.

15. Jewelry Store.
16. Laundry or laundry agency, cleaning and pressing establishment but excluding the use or storage of highly volatile or combustible materials on the premises.
17. Lodges, clubs or fraternal organizations, business and professional offices.
18. Public parking area (subject to regulations in Section IX-B).
19. Restaurant, tea room or cafeteria.
20. Studios.
21. Tourist court or motel or auto trailer parks.
22. Other retail stores and shops similar to those listed above where permitted by the Common Council after written application and after written report of the Planning Commission. The above specified stores, shops and businesses shall be retail establishments selling new merchandise exclusively and conducted wholly within an enclosed building. Not more than thirty-five (35) per cent of the main building, exclusive of the basement, shall be used for storage purposes or for the processing or servicing of the retail goods to be sold on the premises.
23. Uses customarily incident to any of the above uses including usual accessory buildings.
24. Accessory buildings for dwellings, the same as permitted in the "B-2" multiple-family dwelling district.
25. Drive in: Shall be permitted only in the C-2 and C-3 Zone. Off street parking shall be provided to the extent of one parking space for each three seats or stools. 300 square feet shall be provided for each car. Where no seating space is provided, a minimum parking space for eight cars shall be provided. The parking area shall be covered with black top paving as specified by the Town Council. A concrete curb not less than 6 inches above the top of the paved area of the lot shall be built along the property line. Two driveways shall be provided, one for ingress and one for egress not exceeding sixteen feet in width.

The building structure shall be set back a minimum of fifty feet from property lines, on corner lots the set back on one side may be a minimum of twenty feet. Minimum of 10 cars, under General Provisions.

All off street parking areas shall have a six inch concrete

curbing above the level of the black top area. Driveways for ingress and egress shall be a maximum of sixteen feet. Parking areas shall be black top paving as specified by the Town Council.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed two and one-half (2½) stories or thirty-five (35) feet in height in this area.

Exceptions to the height regulations are provided in Section XII.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure within this area.

1. **FRONT YARD:** None is required save and except in the case of a dwelling and then the regulations for front yards for dwellings in "R-2" multiple family dwelling district shall be complied with.
2. **SIDE YARDS:** Where the side lot line of a lot in a "C-1" light commercial district abuts upon the side lot line of a lot in a dwelling district, there shall be a side yard of not less than five (5) feet. In other cases a side yard for a commercial building shall not be required but if provided, shall be not less than five (5) feet in width. The side yard regulations for dwellings are the same as those in the "R-2" multiple family dwelling district.
3. **REAR YARD:** A rear yard is not required for a commercial or industrial building.
4. **LOT AREA:** The buildings hereafter erected or used wholly or partly for dwelling purposes shall comply with the lot area and vision clearance requirements of the "R-2" multiple family dwelling district.

Exceptions to the area regulations are provided in Section XII.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile parking space for each dwelling unit and such parking space to occupy no part of the frontage of the lot in front of the

set back line required for the building on that lot.

Parking space for auto courts and motels to be as required in Section II-1.

Off-street parking facilities shall be permanently provided on the site or within four hundred (400) feet thereof at the following ratio:

- a. One-half (1/2) square foot of parking area for each square foot of ground floor area exclusive of space used for parking of automobiles.
- b. One-fourth (1/4) square foot of parking area for each square foot of floor area above the ground floor exclusive of area used for parking of automobiles.

Loading space shall be provided as specified under the Industrial Zone provisions.

PER CENT OF COVERAGE. Full coverage is allowed; provided that minimum off-street parking, loading space and set backs have been provided.

BUILDING SETBACK REQUIREMENTS. The front yard set back shall be the same as in the "R-2" zone.

Side yards will not be required except that no structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley. If side yards are created, they shall be a minimum of three (3) feet wide and three (3) feet deep.

Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of an alley.

SECTION VII.

"C-3" Commercial District

The following are the regulations of the "C-3" commercial district:

A. USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

1. Any use permitted in the "C-2" commercial district area, save and except automobile trailer courts.
2. Auditoriums.

3. Automobile and trailer sales establishments, provided, any out of door sales or display areas are subject to the requirements in Section IX-B.
4. Business college.
5. Bus station.
6. Department store.
7. Feed, seed and fuel store conducted wholly within the building or within an enclosed fenced area.
8. Hotels and apartment hotels.
9. Medical or dental clinic and medical or dental laboratory.
10. Mortuaries.
11. Nursery store, greenhouse or garden supply store, conducted wholly within buildings.
12. Paint shop conducted wholly within the building.
13. Pawn shop and second hand stores.
14. Pet shop or bird store.
15. Plumbing or sheet metal shop, conducted wholly within the building.
16. Printing, lithographing and publishing.
17. Public garage including usual automobile repairs and servicing when conducted wholly within the building. When a public garage is within fifty (50) feet of a dwelling district there shall be no openings in the building walls paralleling the boundaries of such dwelling district other than stationary windows, except where the building walls abut streets or alleys.
18. Public services including electric power and light substation, fire station, police station and telephone exchange.
19. Retail stores, shops and businesses.
20. Tire shops, conducted wholly within the building.
21. Transfer companies, including baggage storage and storage of household goods.
22. Wholesale establishments, but excluding wholesale storage and

wholesale storage warehouses.

23. Soft drink bottling works conducted wholly within a building.
24. Uses customarily incident to any of the above uses including accessory buildings and a storage garage for use of patrons.

Provided, however, that the uses permitted in this "C-3", commercial district shall include no manufacturing, compounding, assembly processing or treatment of products other than those clearly incidental and essential to a retail store or business and sold at retail on the premises or conducted incidental to the main business conducted on the premises and not more than six (6) people shall engage in such incidental manufacture, compounding, processing or treatment. No use manufacturing, compounding, assembly processing or treatment of products shall be permitted that are objectionable by reason of odor, dust, noise, vibration or similar objections.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed three (3) stories or forty-five (45) feet in height.

Exceptions to the height regulations are provided in Section XII.

C. AREA REGULATIONS:

No building or structure shall hereafter be erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure:

1. FRONT YARD: None is required save and except in the case of a dwelling and then the regulations for front yards for dwellings in "R-2" district shall apply.
2. SIDE YARD: Where the side of a lot in the "C-3" commercial district abuts on the side of a lot in a dwelling district there shall be a side yard of not less than five (5) feet in width.

In other cases a side yard for a commercial building shall not be required, but if provided, it shall be not less than five (5) feet in width.

The side yard regulations for dwellings shall be the same as required in the "R-2" multiple-family dwelling district.

3. LOT AREA AND VISION CLEARANCE REGULATIONS: Buildings hereafter erected or used principally for dwelling purposes shall

comply with the lot area and vision clearance regulations of the "R-2" multiple-family dwelling district.

Exceptions to the area regulations are provided in Section XII.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile parking space for each dwelling unit and such parking space shall not occupy any portion of the frontage forward of that of the set back line for buildings within that block. Parking space for motor courts and motels as required in Section IX-A. Parking and loading space required shall be as in "C-1" Light Commercial District.

SECTION VIII.

"M-1" Industrial District

The following are the regulations of the "M-1" industrial district:

A. USE REGULATIONS:

A building, structure or land may be used and a building structure may be hereafter erected, enlarged or structurally altered for any use permitted in the "C-2" commercial district or for any other use and types of wholesaling and manufacturing except those excluded by ordinance or constituting a nuisance.

B. HEIGHT REGULATIONS:

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed three stories or forty-five (45) feet in height.

Exceptions to height regulations are provided in Section XII.

C. AREA REGULATIONS:

No building or structure shall be hereafter erected, enlarged or moved unless the following yards and lot areas are provided for such building or structure:

1. **FRONT YARD:** None is required save and except in the case of a dwelling and then the regulations for front yards for dwellings in "R-2" district shall apply.
2. **SIDE YARD:** Where the side yard of a lot in the industrial

district abuts upon the side of a lot in a dwelling district there shall be a side yard of not less than five (5) feet in width. In other cases a side yard for a commercial or industrial building shall not be required, but if provided, shall be not less than five (5) feet in width.

The side yard regulations for dwellings shall be the same as those required in an "R-2" multiple-family dwelling district.

3. REAR YARD: A rear yard is not required for a commercial or industrial building.
4. LOT AREA: Buildings hereafter erected or used principally for dwelling purposes shall conform to the lot area and vision clearance regulations of the "R-2" multiple-family dwelling district.

Exceptions to the area regulations are provided in Section XII.

D. PARKING REGULATIONS:

No building shall be hereafter erected, enlarged, converted or structurally altered for use either wholly or partially for dwelling purposes unless there be provided on the same or contiguous property one (1) automobile space for each dwelling unit, and such space not to occupy any part of the front yard forward of that required for set back lines for buildings upon that particular block. Parking space for motor courts and motels as required in Section IX-A.

Loading space to be as required in Section IX-C.

SECTION IX.

General Provisions

A. PARKING SPACE FOR TOURIST COURTS AND MOTELS:

For each tourist court or motel hereafter erected, enlarged, or structurally altered there shall be provided one (1) parking space for each individual unit.

B. PUBLIC PARKING AREAS: AUTOMOBILE AND TRAILER SALES AREAS:

Every parcel of land hereafter used as a public automobile parking area or an automobile and trailer sales area shall be developed as follows:

1. Such areas shall be paved with an asphalt, concrete or other all weather dust-free surface and shall have necessary bumper rails on the street side except for entrance space.

2. Where a public parking area or automobile and trailer sales area is illuminated, the lights shall be fixed to reflect the light away from the adjoining premises in dwelling districts.

C. LOADING SPACE:

An industrial or commercial building in the industrial zone hereafter erected or enlarged on a lot which abuts upon an alley or has frontage on two streets and which building has a floor area of three thousand (3,000) or more square feet, shall provide a permanent off-street loading space not less than twenty-five (25) feet long, ten (10) feet wide and fourteen (14) feet high on or accessible to such alley or street; if such building has a floor area of more than ten thousand (10,000) square feet, two (2) such loading spaces shall be provided, and for each thirty-six thousand (36,000) square feet of floor space such building exceeds ten thousand (10,000) square feet one (1) additional such loading space shall be provided.

OUTSIDE STORAGE YARDS: Outside storage yards are permitted in the "M-1" industrial district. Except where written application has been made and the Common Council has granted permission following written report of the Planning Commission and public hearing, outside storage yards are not permitted in any other district.

SECTION 1.

Non-Conforming Uses

1. Advertising signs and bulletin boards which do not conform to the provisions of this ordinance shall be discontinued one (1) year from the date of the passage of this ordinance.
2. The use of a building or land existing at the time of the passage of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification.

A non-conforming use shall not hereafter be changed to a less restricted use.

3. Whenever the use of a building becomes non-conforming by reason of a subsequent change in the zoning ordinance, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.
4. Should a non-conforming use of a building or land be discontinued for a period of six (6) months, the use of such building or land shall thereafter conform to a use permitted in the district

in which it is located.

5. An existing building occupied by a use not permitted in the district in which it is located, shall not be enlarged, extended or structurally altered unless its use is changed to a use permitted in the district in which such building is located.
6. When a building, the use of which does not conform to the provisions of this ordinance, is damaged by fire, flood, explosion or other calamity or act of God or the public enemy and may be rebuilt under the building code of the Town of Stayton, it may be restored and its use, at the time of the damage, be resumed. When a building, the use of which does not conform to the provisions of this ordinance is damaged by fire, flood, explosion or other calamity or act of God, or the public enemy and may not be rebuilt under the building code, it may not be restored except to a use permitted in the district in which it is located.
7. The Common Council of the Town of Stayton, after public hearing, may permit the following uses in districts from which they are prohibited by this ordinance, where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the purposes and objectives of the Master Plan:
 - a. Educational institutions.
 - b. Governmental buildings (Federal, State, and local).
 - c. Public libraries or museums.
 - d. Public Utilities and public service uses or structures.
 - e. Hospitals and sanitariums.
 - f. Public parking area in an "R-2" multiple-family district not more than two hundred (200) feet from a "C-1" light commercial district, "C-2" or "C-3" commercial district or an "M-1" industrial district.

Such permitted parking area shall be subject to the following conditions and limitations:

1. The regulations of Section IX-B.
2. The parking area shall be used solely for the parking of passenger automobiles.
3. The parking area shall not be used for the sale, repair or servicing of automobiles but be for the

temporary parking of automobiles only.

4. No flashing illuminated signs shall be permitted on such parking areas and no sign shall exceed an area or size of ten (10) square feet.
5. Such other and further conditions as the Common Council of the Town of Stayton may deem desirable to reduce adverse effect of such parking area upon the preservation of the residential character and development of the residence district in which said parking area is located.

Written application for any of the above uses of this paragraph 7 shall be referred to the Planning Commission. The Commission shall make written report of its findings and determination to the Common Council within ninety (90) days of the written application. Should the Planning Commission fail to make its report within ninety (90) days, the absence of such report shall be deemed the approval of that body. No action by the Common Council shall be taken on the application until after the report of or the time allowed for the report of the Planning Commission. If the application is approved by the Common Council, a special permit for one of the uses listed in this paragraph 7 may be issued.

SECTION XI.

Residential Community Plan

The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the Common Council of the Town of Stayton a plan for the use and development of all of the tract of land for residential purposes, or for the repair and alteration of any existing housing development on an area comprising ten (10) acres or more. The development or alteration plan shall be referred to the Planning Commission for study and report and for public hearing. If the Commission approves the plans, these plans together with the recommendations of the Commission, shall then be submitted to the Common Council for consideration and approval. The recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community development plan meets the following conditions:

1. The property adjacent to the area of the proposed community development will not be adversely affected.
2. That the plan is consistent with the intent and purpose of this ordinance to promote the public health, safety, convenience and general welfare.

3. That the buildings shall be used only for single-family dwellings, two-family dwellings, and multiple-family dwellings and necessary accessory uses of such a community including churches.
4. That the average lot-area-per-family of this community development, exclusive of the area occupied by streets, will not be less than the lot-area-per-family required in the district in which the community development is located.

If the Common Council approves the community development plan, building permits and certificates of occupancy may be issued even though the use of the land and the locations of the buildings to be erected in the area and the yards do not conform in all respects to the regulations of the district in which the community development is located.

SECTION XII.

Exceptions and Regulations

The requirements of the districts set forth in this ordinance shall be subject to the following exceptions and regulations:

HEIGHT EXCEPTIONS:

1. In districts limiting the height to two and one-half (2½) stories or thirty-five (35) feet, churches and schools may be increased in height to three (3) stories or forty-five (45) feet, provided, the required side yards are increased to fifteen (15) feet or more in width.
2. In the districts limiting the height to three (3) stories or forty-five (45) feet, public or semi-public buildings, office buildings, churches, schools, hospitals or sanitariums may be erected to a height not exceeding six (6) stories or seventy-five (75) feet when the required front, side, and rear yards are increased an additional one (1) foot for each one (1) foot such building exceeds the three (3) stories or forty-five (45) feet in height.
3. In any district in which the height of buildings is limited, a building may be erected to such height as may be permitted by the Common Council, after written application for the erection of a building in excess of the height permitted in the district in which said building is sought to be erected, has been made to the Common Council.

After receipt of such application the same shall be referred to the Planning Commission for study and report and for public hearing. If the Planning Commission, after public hearing, finds that such building will be safe from the standpoint of

fire protection and safety of the public and that it would be to the best interest of the Town of Stayton that such building should be built in accordance with the plans and specifications submitted, the recommendation of the Commission shall then be submitted to the Common Council for consideration and approval. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed building meets the requirements above stated.

If the Common Council approves the plans and specifications and said application, building permits and certificates of occupancy may be issued even though the height of the building, the use of the land and the location of the building to be erected and the yards and open spaces shown on the plan do not conform in all respects to the regulations of the district in which said building is to be located.

- ii. Chimneys, tanks, towers, steeples, flagpoles, smokestacks, silos, grain elevators, pent-houses, scenery lofts, cupolas, domes, spires, false mansards, parapet walls, or similar building appurtenances may be erected to a height permitted and in accordance with the ordinances of the Town of Stayton, provided no additional floor space is added thereby.

AREA EXCEPTIONS:

5. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached two-family dwellings, four-family dwellings, and row houses not more than two rooms deep.
6. Yards for Group Buildings:
 - a. In the case of group buildings, the yards on the boundary of the site shall not be less than required for one building on a lot in the district in which the property is located.
 - b. The distance between group buildings shall be twice the width of the required side, front and rear yards or the sum of a combination of any two such yards.
 - c. In the case of group dwellings rearing on a side yard such side yard shall be increased one (1) foot in width for each additional dwelling or dwelling unit rearing on such side yard. If group dwellings front on a side yard, such side yard shall be increased two (2) feet for each additional dwelling or dwelling unit fronting on the side yard.

7. The front and side yard requirements shall be waived for dwellings, hotels, boarding and lodging houses erected above the ground floor of a building when such ground floor is designed exclusively for commercial or industrial purposes, provided no side or front yards are required for such commercial or industrial building by the regulations of the district in which they are located.
8. In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half ($\frac{1}{2}$) of the width of such alley may be assumed to be a portion of such rear yard.
9. Accessory buildings may occupy not more than thirty (30) per cent of a required rear yard. In the case of reversed frontage no accessory building shall be built nearer than five (5) feet to the line of the abutting lot in the rear. Accessory buildings shall not exceed one (1) story in height. A detached accessory building shall be located not less than five (5) feet from the main building.
10. Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:
 - a. Accessory-building in the rear yard.
 - b. Ordinary building projections such as cornices, eaves, belt courses, sills, or other similar architectural features of not more than twenty-four (24) inches into any required yard.
 - c. Open uncovered fire escapes or balconies projecting not more than four (4) feet into any required yard.
 - d. Ordinary projections of chimneys when not obstructing light, air or access.
 - e. Open, unenclosed porch or paved terrace or platform, not covered by roof or canopy, projecting not more than eight (8) feet into a required front yard or more than five (5) feet into an apartment court.

SECTION XIII.

STREETS DEFINED. On the following named streets there shall be a minimum set back of 45 feet 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, N. Sixth Avenue to E. Jefferson Street, E. Jefferson Street to N. Tenth

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

Note: That the Planning Commission strongly recommends that all streets lying within the boundaries of the city limits as now existing or proposed by annexation be widened to conform with the above.

SECTION XIV.

THE PLANNING COMMISSION IN ADDITION TO ITS OTHER DUTIES SHALL SERVE AS THE BOARD OF ADJUSTMENT.

APPEALS:

Appeals to the board may be taken by any person aggrieved or by an officer, department, board - other than the board of adjustment - or bureau of the Town of Stayton, affected by any decision or ruling of the building inspector made under this ordinance. Such appeal shall be taken within a reasonable time, as shall be prescribed by the board by a general rule, by filing with the building inspector and with the board a written notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from.

Upon receipt of the record, the board shall set the matter for hearing and give notice by mail of the date, time and place thereof to the appellant, the building inspector, and to any other party at interest, who has requested such notice. Such notice by the board shall be given at least seven (7) days prior to the date of such hearing.

The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant in the matter appealed.

POWER AND DUTIES OF THE BOARD:

The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building inspector in the enforcement of this ordinance, and it shall have the following powers:

1. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of this ordinance.
2. To interpret the provisions of this ordinance in such a way as

to carry out the intent and purpose of the plan as shown upon the map fixing the several districts accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

3. To permit a variation in the regulations of a district when a property owner can show that by reason of an irregular shaped lot, existing topographical conditions or other peculiar and exceptional condition that the strict application of the regulations of this ordinance would result in hardship amounting to a practical confiscation of the property, provided that the variation can be granted without detriment to public safety, health and welfare and in keeping with the intent and purpose of this ordinance and its comprehensive plan for the Town of Stayton.

SECTION XV.

Certificate of Occupancy

Hereafter no land shall be used or occupied except for agricultural purposes permitted under this ordinance and no building hereafter erected, enlarged or structurally altered shall be used or occupied and no change of use for land or building shall be permitted until a certificate of occupancy shall have been issued by the City Recorder, Common Council or Planning Commission, stating that the building or the proposed use of the land complies with the requirements of this ordinance.

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 Town 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

prior to the issuance of a regular certificate of occupancy.

CERTIFICATE OF OCCUPANCY FOR LAND:

Application for a certificate of occupancy shall be made for the use of vacant land or a change in the use of land. Such certificate will be issued after application is made, provided the use of the land applied for is a use permitted in the district in which it is located and conforms to the regulations of this ordinance, and provided further, if such land is or was a portion of a lot or tract under one ownership, which said lot or tract was required to furnish sufficient area for a particular use, that such use of the land applied for will not reduce the area of the balance of the lot or tract of land from which it is taken so that such balance fails to comply with the requirements of this ordinance as to such balance of said lot or tract, considering the purpose for which the balance of said lot or tract is then being used.

A record of each certificate of occupancy shall be kept in the office of the building inspector 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.

SECTION XVI.

Flats

Each application for a building permit for a certificate of occupancy of land or building or a change, in the use of land 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.

SECTION XVII.

Boundaries of Districts

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:

1. 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.

2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the 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.
3. In un subdivided 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.

SECTION XVIII.

Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

SECTION XIX.

Changes and Amendments

The Common Council may from time to time on its own motion or on petition, or recommendation by the Planning Commission, amend, supplement or change by ordinance or variance, the boundaries of the districts, or the regulations established by this ordinance. Any such proposed amendment, supplement or change shall first be submitted to the Planning Commission for its recommendations and report. Upon the filing of the recommendation and report of the Planning Commission on such proposed amendment, supplement or change, the Common Council shall set a time for a public hearing. Notice of the public hearing shall be published in a newspaper of general circulation in the city at least ten (10) days before the date of such hearing. The applicant shall pay costs of the Town of Stayton related to the changes proposed not to exceed the sum of \$25.00. That a private application shall contain the approval of at least 60% of the adjacent property owners, and further

that upon action being taken upon said application, no further applications shall be filed for a period of six months.

A. 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.

B. Uses not specifically covered.

The official charged with administering this ordinance 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.

C. Variances.

1. Variances from restrictions governing use of property.

The City Council may permit and authorize a variance from the restrictions governing the use of property if, from the petition, or the facts presented at a public hearing, or by investigation, the city council finds that said property meets the requirements set forth in the above paragraphs.

- a. That the strict application of the provisions of the zoning ordinance to a particular property would result in practical difficulties or unnecessary hardships not required by the general purpose and intent of the ordinance.
- b. That the circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property do not require the rezoning of the entire area.
- c. That the granting of a variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or neighborhood in which the property is located.
- d. That the granting of a variance will not be contrary to the objectives of the comprehensive zoning plan.

Any person filing an application for a variance from restrictions

governing use of property shall pay a filing fee to the Town of Stayton in the sum of Ten Dollars (\$10.00) for each application. Said filing fee shall be used to cover the cost of publication of notices and other costs in processing said variance application.

A variance granted by the council shall be in accordance with plans prepared by the petitioner and on file with the building inspector.

All rights granted by the variance shall be null and void after six months from the date of approving said variance unless the grantee shall have commenced actual construction and upon request be able to establish to the satisfaction of the common council that it is still the intention of the grantee to use said variance and that construction to completion would be carried on within a reasonable time thereafter.

In granting a variance the city council shall impose such conditions as are necessary to protect the public health, safety or welfare, in accordance with the purpose and intent of the zoning ordinance.

2. Variances from Area, Height Limit of Buildings, or Yard Requirement.

The Board of appeals and adjustments of the Town of Stayton is hereby appointed to hear all applications for variances from regulations covering area, height limit of buildings or yard requirements. The board of appeals may authorize said variances if, from the petition, or the facts presented at a public hearing conducted by the board of appeals, or from the investigation, said board of appeals finds:

- a. That the variance requested is not in conflict with the general purpose and intent of this ordinance.
- b. That the variance will not be detrimental to the public welfare or convenience.
- c. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner, and to prevent unreasonable property loss or unnecessary hardship, and will not be detrimental nor injurious to the property or improvements of other owners of property.

D. Hearing.

1. Hearing before common council.

Upon the filing of a verified application for variance use, the common council shall set a time for hearing the same, and shall give a reasonable public notice of the time and place of said hearing.

E. Interpretation of regulations.

It shall be the duty of appropriate administrative officers of the city to interpret the provisions of this ordinance covering such variances so that the spirit of the ordinance shall be observed, public interest protected, and substantial justice done.

F. Right of appeal.

Property owners, or interested persons, may appeal a decision of the building inspector to the city recorder within thirty days. Matters referred to the board of appeals and adjustments for variances may be further appealed to the common council of the Town of Stayton and said common council of the Town of Stayton shall have the right and power to grant variances from any of the provisions of this ordinance. All matters requiring determination of policy by the common council shall take the usual procedure of first being submitted to the city planning commission.

G. Changes and amendments.

- a. This ordinance and amendments thereto may be amended, supplemented, or changed from time to time by the common council of the Town of Stayton after a report thereupon by the planning commission and after public hearings as required by law. An amendment, supplement, or change may be initiated by the council, the planning commission, or by petition of property owners.
- b. Any person desiring a reclassification of any premises, building or structure, or any variance from any of the restrictions as set forth herein shall file an application for said reclassification or variance with the city recorder.
- c. Any property owner who desires to have his property reclassified shall first prove to the planning commission by appearing before said commission in person, by representation, or by writing, that the requested reclassification will prove beneficial to the public safety, health, convenience, comfort, prosperity and the general welfare.

SECTION XX.

Validity

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XXI.

Enforcement, Violation, Penalty

It shall be the duty of the city building inspector to enforce this ordinance.

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 not less than five dollars (\$5.00) or more than fifty dollars (\$50.00) for each offense. Each day that violation is permitted to exist shall constitute a separate offense.

SECTION XXII.

Repeal Section

All other ordinances of the Town of Stayton in conflict herewith shall be and the same are hereby repealed.

SECTION XXIII.

Emergency Clause

Inasmuch as the objects to be obtained by this ordinance will be of benefit to the people of the Town of Stayton, and there exists an urgent necessity that this ordinance shall take effect as soon as possible so that the peace, health and safety of the Town of Stayton may be preserved, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed by the Common Council of the Town of Stayton, Oregon, this 8th day of February, 1962.

Approved by the Mayor this 8th day of February, 1962.

/s/ W. Van Drieche
Mayor

ATTEST:

/s/ Marjorie E. Kerber
City Recorder