

## Zoning Ordinance #158

### Section 1 Introductory Provisions

- 1.10 Title This ordinance together with the zoning map attached hereto shall be known as the Zoning Ordinance of the City of Ione.
- 1.20 Purposes This ordinance is enacted for the purpose the promoting the public health, safety, and welfare; to encourage the most appropriate use of property within the city; to stabilize and protect the value of property; to provide adequate light and air; to prevent overcrowding; to lessen traffic congestion; to facilitate adequate and economical provisions for public improvements, all to implement the Comprehensive Plan of the City of Ione; to provide a method of administration and to proscribe penalties for violations of the provisions herein.
- 1.30 Scope No structure or lot shall hereinafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this ordinance.
- 1.40 Zones of Areas to be Annexed Prior to the annexation of any land to the City of Ione, the Planning Commission shall determine, by reference to the Comprehensive Plan, the appropriate zoning for the property to be annexed. The zoning of the property to be annexed shall be in accordance with the Comprehensive Plan.
- 1.45 Development Permits A Development permit shall be obtained from the City prior to and for the approval of the following. A Development permit constitutes the City's approval of a proposed project and must be obtained in order to receive a building permit from the State Building Codes Division.
1. Construction of a new structure
  2. Reconstruction, alteration of or addition to a structure.
  3. Installation, replacement, or addition to a mobile or manufactured home.
  4. Change of use of parcel or lot.
  5. Change of use of structure.
  6. Alteration of, or within, a watercourse or drainage ditch.
  7. Significant grading or excavation.
  8. Construction of fences within the floodway.
- 1.46 Building Permits As required by the state law, any necessary building, mobile home siting, mechanical, electrical, and plumbing permits shall be obtained from the State Building Codes Division prior to and for approval of the following: (Note: this list is non-exclusive.)
1. Construction of a new structure.
  2. Reconstruction, alteration or addition to a structure.
  3. Installation, replacement, or addition to a mobile home.

4. Installation or alteration or wiring, plumbing, heating or water or sewer connections.
5. Installation or alteration of a wood stove.
6. Construction of a fence over 6 feet high or a free standing wall over 4 feet high.

#### 1.50 Definitions

1. Accessory use or structure A use or structure incidental and subordinate to the main use of the property, located on the same lot with the main use.  
Example: Home Occupation
2. Alley A street through a block primarily for vehicular access to the back or side property otherwise abutting on another street.
- 2a. Base Flood Equivalent to “100-year Flood”
3. Building Any structure having a roof intended for the support, shelter or enclosure of any persons, animals, property or business activity.
4. City The City of Ione
5. City Council The City Council of the City of Ione, Oregon
- 5a. City Engineer The City Engineer of the City of Ione, Oregon
6. Comprehensive Plan of the City of Ione, OR
7. Drug Store: A store where the primary business is the filling of prescriptions and the sale of drugs (see pharmacy), medical devices and supplies, and non-prescription medicines, but where non-medical products may be sold as well. Non-medical products may include cards, candy and cosmetics.
8. Dwelling Unit. One or more rooms designed for occupancy by one family, containing complete housekeeping facilities. For the purposes of this ordinance, dwelling unit does not include mobile homes or recreational vehicles.
9. Dwelling, Single Family A detached building containing one dwelling unit
10. Dwelling, Two Family A detached building containing two dwelling units.
11. Dwelling, Multi-family A building containing three or more dwelling units.
12. Family An individual or two or more persons related by marriage, blood, legal adoption or guardianship, and not more than two unrelated persons living together in one dwelling unit; or not more than five unrelated persons living together in one dwelling unit.
13. Farming, Farm Use The use of land for raising and harvesting of farm produce or for the feeding, breeding and management of livestock or for dairying or for any other agricultural or horticultural use, that is legal to produce and sell within State and Federal Laws or any combination thereof, including disposal of such products by marketing or otherwise. Farming also includes use and construction of buildings customarily used in the above activities.
14. Flood Insurance Rate Map The official map on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the community.
15. Floor Area The total area of all floors of the building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached porches and balconies, excluding open court yards and vent shafts.

16. Grade The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within 5 feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.
17. Height of Building The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line on a mansard roof, to the mean point between the eaves and highest gable of a pitched or hipped roof.
18. Home Occupation. Accessory use of a dwelling, employing only the inhabitants of the dwelling, wherein the residential character of the dwelling is maintained. The occupation must be lawful; complying with the laws of the State of Oregon and Federal laws and regulations. It must also be conducted in such a manner that storage or display of merchandise, equipment or machinery is not visible from off the property on which the occupation is located, and the occupation may not infringe upon the right of the neighboring residents to enjoy their peaceful occupation of their dwellings. A dwelling, for the purpose of this definition also includes mobile home, manufactured home or modular home.
19. Liquor Store: A store that sells alcoholic beverages for consumption elsewhere and is licensed by the Oregon Liquor Control Commission. This may include dining or other establishments that also allow for off premises consumption.
20. Lot. A parcel of land having sufficient area to meet the minimum lot requirements in a zone in which it is located and having its principal frontage on, or permanent access to a street.
21. Lot Area. The total area within the boundary lines of the lot.
22. Lot, Corner. A lot abutting on two or more intersecting streets, other than alleys, where the angle of intersection of the streets does not exceed 135 degrees.
23. Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
24. Lot Line. The boundary line of the lot.
25. Lot Line, Front. The line separating the lot from the street other than the alley or the nearest line to the public street. In the case of a corner lot, the shortest lot line along a street other than an alley.
26. Lot Line, Rear. Any boundary line opposite and most distant from a front lot line, and not intersecting a front lot line, except in the case of a corner lot.
27. Lot Line, Side. Any lot line not a front or rear lot line.
28. Lot Width. The mean horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
29. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood hazard regulations of this ordinance.
30. Manufactured Home. A structure designed or used for residential occupancy dependent upon external utility connections and built upon a frame or chassis to which wheels may be attached by which it may be moved upon highway, irrespective of whether or not such structure has, at any given time, such wheels

attached, or is supported upon posts, footings or a foundation. For floodplain management purposes, a “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on the site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles.

30. Medical Marijuana Dispensary or Facility: A facility that dispenses medical marijuana, meeting the requirements set by the Oregon Health Authority and being registered to do business with the Office of the Secretary of State.
31. Medical Marijuana Grow Facility: A facility that grows medical marijuana as allowed under Oregon Revised Statute and as regulated by the Oregon Health Authority. A grow facility cannot be located on the same lot or parcel as a medical marijuana dispensary or facility.
30. Mobile Home Park or Manufactured Home Park. A place where four (4) or more mobile homes or manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
31. Modular Home. A sectional or factory built house to meet the housing standards of Oregon Department of Commerce, designed to be affixed to real property on a permanent foundation.
32. 100-Year Flood. As referred to as the “Base Flood”, this is the flood having a 1 percent chance of being equaled or exceeded in any given year; in other words, the largest flood expected during an average 100-year period.
- 32a. 100-Year Flood Plain. That area which would be flooded by a 100-year flood same as an “area of special flood hazard” except that a 100-year flood plain can exist along minor streams as well, not just those major flood areas identified by the Federal Insurance Administration. Designation on maps always includes the letter “A”.
- 32b. 100-Year Flood Elevation. The water surface elevation of a 100-year flood.
33. Owner. The owner of record of real property as shown in the records of the County Assessor, or the registered agent of such owner.
34. Parking Space. An area adequately sized, having access to a public street, used or intended to be used for the parking of a vehicle.
35. Pharmacy: A place where drugs and medicines are prepared and dispensed by a licensed pharmacist. A pharmacy may also be a drug store.
36. Planning Commission. The Planning Commission of the City of Ione, Oregon.
37. Public Use. Building or use such as a city hall, fire station, city shop, school, community center, park, and similar uses.
38. Recreational Vehicle. A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle; which is intended for human occupancy and is designed for vacation or recreational purposes but not residential use.
39. Recreation Vehicle Park. A lot which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles.

40. Residential Home. A residence for five or fewer unrelated, physically or emotionally, or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident, provided such residence is licensed by the appropriate state, county, or federal agency.
41. Semi-Public Use. Building or use such as a church, hospital, sanitarium, rest home, nursing or convalescent home, utility structure, and similar use.
42. Sight Obscuring Fence. A solid fence or a slat fence at least 6 feet in height that completely obscures vision.
43. Sight Obscuring Planting. A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach an average height of at least 6 feet within thirty (30) months after planning.
44. Sign. An identification, description or device which directs attention to a product, place, activity, institution or business, and which is affixed to or represented upon a building, structure or land. Each display surface or sign structure shall be considered a separate sign.
- 45a. Solar Collector. A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.
- 45b. Solar Skyspace. The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
- 45c. Solar Skyspace Easement. A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any land owner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three-dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.
46. Start of Construction. Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within one hundred eighty (180) days of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
47. Street. A public right of way for the use of pedestrian or vehicular traffic.
48. Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below a surface of the land or water. (Note: By this definition, all buildings are "structures", but not all

structures are buildings. Structures include the following: swimming pools, parking lots, decks, retaining walls, fences, tennis courts, etc.)

49. Substantial Improvement. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not include either:

1. Any project for improvement of a structure to comply with existing. State, or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on the National Register of Historic Places.

50. Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance. Unless otherwise provided in this ordinance, paving is defined as an obstruction.
51. Yard, Front. That yard lying between the front lot line and the front of the building.
52. Yard, Rear. That yard lying between the rear lot line and the rear of the building.
53. Yard, Side. That yard lying between the front and rear yards, between the building and the side lot line.
54. Urban Growth Area. That land between the incorporated limits of the City and the Urban Growth Boundary.
55. Urban Growth Boundary. The boundary designated in the City’s Comprehensive Plan which identifies and separates urbanizable land from rural land.

## Section 2 Establishment of Zones

2.10 Classification of Zones. For the purpose of this ordinance, the following zones are hereby established.

<u>Zone</u>	<u>Designation</u>
1. Limited Residential	R-1
2. General Residential	R-2
3. Farm Residential	R-3
4. Central Commercial	C

5. Light Industrial	M
6. Historic Overlay	H
7. Flood Hazard Overlay	FH
8. Flood Way	FW
9. Steep Slope Overlay	SS
10. Permanent Open Space	O

2.20 Zone Boundaries. Unless otherwise provided in this ordinance, zone boundaries are the section lines, subdivision lines, lot lines, center lines of streets or railroad right of way, or such lines extended.

2.30 Location of Zones. A zoning map showing boundaries of the zones as hereby established shall be adopted and made part of this ordinance and attached hereto. Said map and all notations, references or amendments thereto shall be and remain on file with the City Recorder.

### Section 3 Use Zones

3.10 Limited Residential Zone, R-1. In and R-1 Zone, the following uses and their accessory uses are permitted outright.

1. Single Family dwelling
2. Two Family dwelling
3. Mobile Home or Manufactured Home
4. Cultivation of farm produce, truck gardening or plant nursery. All plants must be legal to grow within State and Federal laws.
5. Licensed "Residential Homes"
6. **Public or Private School**
7. **School Based Medical Clinic**

3.11 Conditional Uses permitted in and R-1 Zone. In an R-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 5 et. seq.

1. Multi-family dwelling
2. Public or semi-public use

3.12 Dimensional standards in an R-1 zone: Existing platted area. In an R-1 zone, the following standards shall apply within platted additions in existence prior to June, 2, 1897:

1. The front yard shall be a minimum of 15 feet.
2. Each side yard shall be a minimum of 10 feet, except that on a corner lot, the side yard on the street side shall be a minimum of 15 feet.
3. The rear yard shall be a minimum of 10 feet.
4. The lot area shall be a minimum of 9000 square feet and shall exceed the minimum of 1000 square feet for each dwelling unit over one. The lot area shall exceed the minimum in order to satisfy the septic tank and drain field requirements of the Department of Environmental

Quality (DEQ). Applicants must show a prior determination by DEQ of septic tank suitability for each lot unless sewage system facilities are provided to each lot.

5. The lot width at the front building line shall be a minimum of 50 feet.
6. The lot depth shall be a minimum 100 feet.
7. Building height shall be a maximum of 35 feet.
8. Not more than 30 percent of the lot area shall be covered by buildings.
9. The minimum street frontage shall be 50 feet except on a cul-de-sac there the minimum shall be 30 feet.

3.13 Dimensional Standards in an R-1 zone: Unplatted areas, new sub-divisions, and urban growth area. In the absence of a public sewerage system and the reliance therefore on private and individual septic disposal systems, a lower density form of development than otherwise allowed by the R-1 zone is necessitated. New subdivisions, partitions within unplatted areas, and development within the Urban Growth Boundary will therefore be regulated by this separate set of dimensional standards until such time as a public sewer system is developed and extended to provide service to these areas.

1. The front yard shall be a minimum of 15 feet.
2. Each side yard shall be a minimum of 10 feet, except that on a corner lot, the side yard on the street side shall be a minimum of 15 feet.
3. The rear yard shall be a minimum of 10 feet.
4. The area shall be as follows:
  - A. If a community water system is to be provided:
    - a. South of Highway 74, on the deep valley floor soils, the lot area shall be a minimum of 15,000 square feet.
    - b. North of Highway 74, on the shallow, rocky and sloping soils of the hills, the lot area shall be a minimum of 1 acre, with usable building site of at least 7,500 square feet.

- B. If individual wells are to be used:
      - a. South of Highway 74, 1 acre ( or density of 1 dwelling/acre).
      - b. North of Highway 74, 10 acres.
5. The lot width at the front building line shall be a minimum of 150 feet.
6. The lot depth shall be a minimum of 200 feet.
7. Building height shall be a maximum of 35 feet.
8. Not more than 10 percent of the lot area shall be covered by buildings, except 30 percent shall be the standard for lots less than 1 acre in size.
9. The minimum street frontage shall be 50 feet.
10. Setbacks from future street easements and future lot lines within rural density subdivisions should be the same as for current property lines and dedicated streets.

- 3.20 General Residential Zone, R-2
1. Single Family dwelling
  2. Two Family dwelling
  3. Mobile Home or Manufactured Home
  4. Cultivation of farm produce, truck gardening or plant nursery that is allowable under State and Federal law.
  5. Licensed “Residential Homes”
- 3.21 Conditional Uses permitted in and R-2 Zone. In an R-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 5 et. seq.
1. Public or semi-public use
  2. Mobile Home Park
- 3.22 Dimensional standards in an R-2 zone: Existing plated areas. In an R-2 zone, the dimensional standards of an R-1 zone shall apply within platted addition in existence prior to June 2, 1987, as set forth in Subsection 312.
- 3.23 Dimensional standards in an R-2 zone: Unplatted areas, New Subdivisions, and Urban Growth area. In the absence of a public sewer system and the reliance therefore on private and individual septic disposal systems, a lower density form of development than otherwise allowed by the R-2 zone is necessitated. New subdivisions, partitions within unplatted areas, and development within the Urban Growth Boundary, created after June 2, 1987, will therefore be regulated by a separate set of dimensional standards until such time as a public sewer system is developed and extended to provide service to these areas. The APPLICABLE STANDARDS are those set forth in Sub-section 3.13 for the R-1 zone.
- 3.30 Farm Residential Zone, R-3. In an R-3 zone, the following uses and their accessory uses are permitted outright.
1. Single Family dwelling
  2. Manufactured Home
  3. Cultivation of farm produce that is allowable under State and Federal Law, not including intensive livestock or poultry operations such as commercial feed lot or poultry plant.
  4. Licensed “Residential Homes”
- 3.31 Conditional Uses permitted in an R-3 zone. In an R-3 zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 5 et. seq.
1. Mobile Home Park
  2. Public or semi-public use

- 3.32 Dimensional Standards in an R-3 zone. In an R-3 zone the following dimensional standards shall apply
1. The front yard shall be a minimum of 15 feet.
  2. Each side yard shall be a minimum of 10 feet, except that on a corner lot, the side yard on the street side shall be a minimum of 15 feet.
  3. The rear yard shall be a minimum of 10 feet.
  4. The lot area shall be a minimum of 1 acre.
  5. The lot width at the front building line shall be a minimum of 150 feet.
  6. The lot depth shall be a minimum of 200 feet.
  7. The building height shall be a maximum of 35 feet.
  8. Not more than 10 percent of the lot area shall be covered by buildings.
  9. The minimum street frontage shall be 50 feet.
- 3.40 Central Commercial Zone, C. In a C zone, the following uses and their accessory uses are permitted outright.
1. Retail or wholesale trade establishment
  2. Repair or maintenance establishment
  3. Eating or drinking establishment
  4. Office
  5. Financial institution
  6. Plant Nursery
  7. Amusement establishment
  8. Licensed "Residential Home"
  9. **Drug Store, pharmacy or liquor store.**
- 3.41 Conditional Uses permitted in a C Zone. In a C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 5 et. seq.
1. Single Family Dwelling
  2. Two-family dwelling
  3. Manufacture Home
  4. Recreational Vehicle
  5. Veterinary Clinic
  6. Multiple dwelling including hotel and motel
  7. Public or semi-public use
- 3.42 Dimensional Standards in a C Zone. In a C zone, the following dimensional standards shall apply.
1. In a C zone, the dimensional standards of the R-1 zone shall apply to a lot or structure whose primary use is for a dwelling.
  2. The lot area shall be a minimum of 1250 square feet plus space for parking pursuant to Section 9 of this ordinance.
  3. The rear yard shall be a minimum of 10 feet unless this rear lot line is abutting on an alley.

4. Building height shall be a maximum of 35 feet.
  5. The street frontage shall be a minimum of 25 feet.
- 3.43 Limitation on Use. In a C zone, the following limitations and conditions shall apply.
1. A use which creates a nuisance because of noise, smoke, odor, dust, or gas is prohibited.
  2. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- 3.45 Light Industrial Zone, M. In an M zone the following uses and their accessory use are permitted when authorized in accordance with Section 5 et. Seq.
1. Manufacturing, repairing, compounding, processing, and storage.
  2. Wholesale distributing facility or warehouse.
  3. Farming, not including intensive livestock or poultry operations such as commercial feed lot or poultry plant.
- 3.46 Conditional Use Permitted In an M Zone. In an M Zone. In an M zone the following uses and their accessory uses are permitted when authorized in accordance with Section 5 et. Seq.
1. Commercial livestock sales yard.
  2. Commercial grain elevator
  3. Wrecking yard.
  4. Public building or use such as a fire station or shop.
  5. Utility structure.
  6. Any other light Industrial use except those uses which are designated a nuisance industry by the City Council.
- 3.47 Dimensional Standards in an M Zone. In an M zone, the following dimensional standards shall apply:  
The lot area shall be adequate to meet the needs of the establishment, the requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code, the requirements of the City's fire zones, and shall provide adequate space for parking and loading pursuant to Section 9 of this ordinance.
- 3.48 Limitations of Use. In an M zone, the following limitations and conditions shall apply.
1. A use which creates a nuisance because of noise, smoke odor, dust or gas is prohibited.
  2. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

3. Any use of property within 100 feet of a lot in a residential zone shall be subject to review and approval of the Planning Commission. The Planning Commission may impose such limitations as may be required to reduce conflicts between uses.
4. All development shall comply within applicable state and federal air, water, solid and hazardous waste, and noise regulations, and all necessary permits from the responsible agencies shall be obtained.

3.50 HISTORIC OVERLAY ZONE, H. The purpose and description of this sub-district is to assure that historic, archeological and cultural resources are conserved and protected, while providing an expedient process for reviewing land uses that may affect these resources when they become identified. From time to time, information will become available to the County to help identify these sites and/or structures.

3.51 SPECIAL DEFINITIONS

1. ALTERATION. Any addition to, removal of, or change in the exterior part of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural details of the exterior part of the structure, but shall not include paint color.
2. DEMOLITION. To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a historic site or structure.
3. HISTORIC SITE. Any historic, archeological or cultural site or structure, or a geographic area listed on the Ione landmarks Register or recognized as significant by the Ione Comprehensive Plan and Technical Report.
4. HISTORIC, ARCHEOLOGICAL OR CULTURAL RESOURCE. A district, site, building, structure, object or natural feature significant in American history, architecture, archeology and culture. It may be of value to the nation as a whole, or important only to the community in which it is located.
5. PRESERVATION. The act or process of applying measures to sustain the existing form, integrity, and material of a "HAC" building, structure or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as on-going maintenance of historic building materials.

3.52 APPLICATION. When a development, alteration or demolition is proposed for a historic site, the Planning Commission shall review the proposal to ensure that it meets the requirements of this Sub-section. A Development Permit is required for an alteration or demolition of an historic site.

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, restoration, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Planning Commission.

3.53 REFERENCE. The following documents and their performance standards are hereby adopted by reference and made a part of this Sub-section:

1. Ione Landmark Register
2. Ione Comprehensive Plan
3. State of Oregon Uniform Building Code, Chapter 41; Historic Buildings (Section 4101-4105)
4. The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards, US Department of Interior, Heritage Conservation and Recreation Services, Technical Preservation Service Division, Washington, D.C. 1979, or subsequent editions.
5. State of Oregon Inventory of Historic Properties.

3.54 CRITERIA FOR REVIEW

1. New Development: Upon receipt of a proposed new use request for historic site, the Planning Commission shall review the request within sixty (60) days to see if the request will:
  - a. Be compatible with the identified historical, archeological or cultural item identified on or near the site.
  - b. The request is in conformance with applicable elements of the Comprehensive Plan.
  - c. The request is in conformance with other applicable sections of this ordinance.
  - d. That proposed new use will take into consideration setbacks excavation, landscaping, scenic views and other man-caused land disturbances in relation to the identified historic site.
  - e. That the proposed new use is appropriate and will assist in preserving the significant physical characteristics of the historic site.
  - f. That the physical changes necessary for the proposed new use will not require substantial alteration, thus diminishing the historic significance of the historic site or structure;
  - g. Conditions may be attached to the approval of a zoning or conditional use permit to ensure the viability of the historic site, including use of the documents referenced in Sub-section 3.53. Said conditions may include, but not be limited to, setbacks, site design, landscaping, architectural style, scale, texture and construction materials.
  - h. New development shall not be approved if it is found to be detrimental to the historic site as unsightly or otherwise adversely affecting the architectural significance, the integrity of historical appearance and educational and historical value of the historic site; or is found not to be in accord with other historic review criteria.

## 2. EXTERIOR ALTERATIONS:

- a. Upon receipt of a zoning or development permit application to change the exterior of a “HAC” structure, the Planning Commission shall review the application within sixty (60) days and shall refer it to the State Historic Preservation Office to help determine if the application will be harmonious and compatible with the character of the historic resource with respect to style, scale, texture and construction materials and/or will enhance the historical value of the historic site.
- b. Conditions may be attached to the approval of a building permit to ensure the viability of the historic site, including use of the document referenced in Subsection 3.53. Said conditions may include, but not be limited to, setbacks, site design, landscaping, architectural style, scale, texture, and construction materials.
- c. Historic site alteration review standards shall include, but not be limited to, the following:
  1. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  2. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
  5. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  6. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
  7. Contemporary design or alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design

is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

8. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the structure, the essential form and integrity of the structure would be impaired. The above is adapted from The Secretary of the Interior's Standards for Historic Preservation Projects (US Dept. Service, Publication No. 7).

3. Demolition or moving of a "HAC" structure: When demolition or moving is proposed for a "HAC" structure, the Planning Commission and the historic site owner shall endeavor to prepare an economically feasible plan for preservation of the historic site. The possibilities of purchase of the historic site by interested persons, organizations or government agencies shall be explored. Advice will be requested from the State Historic Preservation Office.

If a designated "HAC" structures to be demolished or moved the Planning commission shall require the applicant to assist the appropriate historical organization to record the historic site and its setting by means of photographs, pictures, artifacts or architectural detail salvage, written description, measured drawings or means of documentation.

- 3.55 SIGNS. Types of signs allowed in the historic site shall be those permitted by the underlying zoning designation. However, the Planning Commission may require additional standards as to size, scale, materials, lettering and construction to ensure that signs will be harmonious and compatible with the character of the historical site.

3.56 REVIEW AND DISPOSITION

- A. In reviewing the development plans, the Planning Commission shall require a plot plan from the applicant drawn at a scale no smaller than 1 inch to 200 feet. The plot plan shall accurately show property boundaries, natural features (e.g. trees, shrubs, rock outcropping, etc.) the existing and proposed uses, and any other pertinent information that would help identify how the proposed use and the historic, archeological commission shall refer the request to State Historic Preservation Office, and the other agencies or individuals for their review and comment, as appropriate. If the Planning Commission finds that the development meets the criteria above, the application shall be approved and the applicant shall obtain a Development Permit prior to commencement of any work. Any development shall conform to the plot plan submitted by the applicant and approved by the Planning Commission.
- B. In the case of a permit for alteration of a historic site the Planning Commission shall:

- a. Approve the request as submitted;
  - b. Approve the request as modifications;
  - c. Delay the final decision on the request for sixty (60) days to allow time for alternative to the alteration to be developed. (At the end of the 60-day period, the Planning Commission shall approve the request, approve the request with modifications, or deny the request); or
  - d. Deny the request.
- C. In the case of an application for demolition of a historic site, the Planning Commission shall order:
1. The immediate issuance of the permit if the Planning Commission finds all of the following:
    - a. The structure cannot be economically maintained restored, giving due consideration to all potential uses to which the structure might reasonable be put upon restoration by the property owner;
    - b. A program or project does not exist which may result in preservation of the structure;
    - c. Delay of the permit would result in unnecessary and substantial hardship to the applicant
    - d. Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the structure and the economic cultural, and energy consequences of demolishing this structure; or
    - e. No other reasonable alternative to demolition exists.
  2. The immediate issuance of the permit if the structure for which the demolition permit has been requested has been damaged in excess of 50 percent of its assessed value due to fire, flood, wind, or other acts of God.
  3. Delay issuance of the permit for up to one hundred twenty (120) days. During this period, the Planning Commission shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could be carried out to prevent demolition of the site or structure.

### 3.57 DESIGNATION OF HISTORIC SITES TO IONE LANDMARKS REGISTER

1. The Planning Commission shall, from time to time, designate sites and structures within the City as being of such historic, archeological and cultural significance that conservation and protection from conflicting land uses is warranted.

2. These designations shall be made through the public hearing process described in Sub-section 12.20 of this ordinance. The Commission shall seek the advice of the Morrow County Historical Society, government agencies and other knowledgeable and interested individuals and organizations. A site may be listed over the objections of the owner if it is deemed of considerable significance to the community, region, state, or nation.
3. The Planning Commission may create ad hoc or permanent committees to assist it with this function until such a time as another body is created by the City for this purpose.
4. The Planning Commission, or its committee, shall prepare and maintain an Ione Landmarks Register until such a time as another body is created by the City for that function. The initial listing of the Ione Land Marks Register is attached.

3.58 EFFECT OF THE OVERLAY ZONE. The Historic Overlay Zone requirements and standards shall apply in addition to those specified for the underlying zone. If a Zone shall take precedence.

3.60 FLOOD HAZARD OVERLAY ZONE, FH

3.61 INTENT. The Flood Hazard Overlay Zone is designed to minimize public and private losses due to flooding and to fulfill the requirements of the National Flood Insurance Program.

3.62 WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City, any officer, employee, or contractee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.63 FLOOD HAZARD AREA. The Flood Hazard area comprises the area within the 100-year flood plain boundaries of Willow Creek, Rietmann Creek, Lorraine Canyon excluding the "Floodway of Willow Creek" as illustrated on the Flood Boundary and Floodway Map(410176-001) including as part of the Flood Insurance Study for the City of Ione issued by the Federal Emergency Management Agency (FEMA) on 3 April 1984. The effective date of the mapping is 3 October 1984. Within the Urban Growth Boundary, the applicable mapping of the Willow Creek flood hazard area contained within the Morrow County Flood Insurance Study. NOTE: The "Floodway" is addressed in the special Floodway (Permanent Open Space) Zone, FW, Sub-section 3.70.

3.64 PERMITTED DEVELOPMENT.

- A. A DEVELOPMENT PERMIT from the City is needed for any construction project, grading, filling, or fence building within the flood hazard areas, INCLUDING the replacement of manufactured homes in a manufactured home park. A conditional use permit is required for any watercourse zones.
- B. Types of uses permitted within the flood hazard areas shall be determined by the underlying land use
- C. All proposed development shall be analyzed to determine effects on the flood carrying capacity and area of flooding.

3.65 CONSTRUCTION AND SITING. The construction and siting of all new structures and additions to existing ones shall comply with the following basic standards.

A. MATERIALS AND METHODS

- 1. Construction using materials and utility equipment resistant to flood damage.
- 2. Construction using methods and practices that minimize flood damage.
- 3. Mechanical and electrical equipment including heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the component during conditions of flooding. In any case all electrical outlets shall be installed at least 1 foot above the 100-year flood elevation.
- 4. Structures may be elevated on extended foundations, stem walls, pilings, columns, or saturations-stable compacted fill.

B. LOCATION OF STRUCTURES. All buildings, fences, walls, hedges, and the like shall be sited so as not to obstruct the flow of flood waters, utilizing the following principles.

- 1. Located buildings on the highest part of the site, if possible.
- 2. Locate buildings as far back from the flood way or water course channel as possible.
- 3. Locate buildings parallel to water course channels or the direction of historical flood flows, if possible.
- 4. Fences across the creek channel shall be designed to float up or easily breakaway during times of high water.
- 5. No structure shall be located within 50 feet of the edge of Lorraine Canyon, Rietmann Creek, Johnson Canyon, or other intermittent watercourses.
- 6. Manufactured home parks and subdivisions shall be designed to ensure that individual manufactured home can be easily elevated 1 foot above the 100-year flood elevation and that the complex can be easily evacuated during floods.

### C. FIRST FLOOR ELEVATION AND BASEMENTS.

1. Residential structures, including manufactured homes: New construction and substantial improvements to any residential structure shall have the lowest floor, including the basement, elevated to at least 1 foot above the 100-year flood elevation, excepting that mobile homes in EXISTING manufactured home parks need to be elevated only to or above the 100-year flood level. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than 1 foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  
2. Non-Residential Structures: New construction and substantial improvement of any commercial, industrial and other non-residential structure shall either have the lowest floor, including basement, elevated to at least 1 foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:
  - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable.
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practices for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the City.
  - d. Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Sub-section 3.65 (C) (1) above.
  - e. Applications for flood proofing non-residential buildings: Buildings intended for use primarily for storage of vehicles, equipment, animals or material need not be elevated above the 100-year flood elevation, but mechanical and electrical equipment and outlets must be elevated 1 foot above the 100-year flood elevation, in accordance with Sub-section 3.65 (C)(1) above.

3. Non-habitable and accessory buildings: Building intended for use primarily for storage of vehicles, equipment, animals or material need not be elevated above the 100-year flood elevation but mechanical and electrical equipment and outlets must be elevated 1 foot above the 100-year flood elevation, in accordance with sub-section 3.65 (C) (1) above.

D. ANCHORING

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage, in accordance with the standards of the Building Code Division. Anchoring methods may include but are not limited to, use of over-the-top or frame ties to ground anchors. (Note: FEMA's "Manufactured Home Installation in Flood Hazard Areas," guidebook, is available at City Hall, and may be used for additional techniques.)

All Manufactured homes to be placed or substantially improved within the City's "A" Zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least 1 foot above the base elevation and be securely anchored to an adequately anchored foundation system, all in accordance with the standards of the State Building Codes Division and Subsection 3.65(C) (1) above. All replacement manufactured homes are subject to this requirement as well, except that within existing manufactured home parks, the manufactured home need be only elevated to or above the 100-year flood level. (Note: "permanent foundation" does not mean "masonry perimeter foundation".]

3.66 UTILITIES

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters in the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Back-flow valves shall be installed on all water and sewer/septic lines.

3.67 STREETS, DRIVEWAYS AND BRIDGES

All new streets and all driveways shall be elevated so that they are not more than 1 foot below the 100-year or relevant historical flood elevation, to insure ease of emergency access during times of flooding. New and replacement bridges must be designed to not

increase the height of the 100-year flood elevation and to accommodate at least a 20-year flood flow or capacity of the existing Bridge, whichever is greater.

### 3.68 ALTERATION OF WATERCOURSES

- A. The City shall notify the F.E.M.A., Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Corps of Engineers, Morrow County Planning Department, and immediate downstream jurisdictions and property owners of any proposed alterations to or relocations of watercourses.
- B. No permit for a watercourse alteration or relocation may be approved without Certification by the Soil Conservation Service, Corps of Engineers, or registered engineer that the flood hazard upstream or downstream, including flood heights, will not be increased by the alteration or relocations.
- C. Altered or relocated portions of a watercourse shall be maintained in such a manner that flood carrying capacity is not diminished.

### 3.69 ENFORCEMENT AND INTERPRETATION

- A. 100-year Flood Elevation: Within the detailed study area of the Flood Insurance Studies, the 100-year Flood Insurance Studies, the 100-year flood elevation profiles and Flood Rate Map Contained therein constitute the legal 100-year flood elevations for the purposes of this zone.
- B. Flood Hazard Area Boundaries: The City may make interpretations as to the exact location of the boundaries of the flood hazard area when mapped boundaries do not reflect actual field conditions.
- C. Development Permits: All Development Permits shall be reviewed to determine that the test for requirements of this ordinance have been satisfied. Where elevation data is not available either through the Flood Insurance Study or by a study as required in Sub-sections 3.69 (k) of this ordinance, the application for development permit shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- D. State and Federal Permits: The City shall review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- E. Certification of Flood Elevation and Flood proofing:  
Where base flood elevation data is provided through the Flood Insurance Study or required as in Sub-section 3.69 (k) of this ordinance, the applicant shall obtain and the

City shall record the actual elevation (in relation to mean sea level) of the average ground level and the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (Flood Elevation Certificates are required for constructing, replacing or substantially improving main buildings.)

For all new or substantially improved flood proofed structures: the applicant shall verify and the City shall record the actual elevation (in relation to mean sea level).

The City shall maintain for public inspection all records pertaining to the provisions of this ordinance.

- F. Variances: Variances to the requirements to the requirements of this overlay zone be processed in accordance with Section 60.6 Of the National Flood Insurance Program, if the requirements at issue are those found in the NFIP. If the requirements exceed those of the NFIP, the variance shall be processed in accordance with Section 6 of this Ordinance.
- G. Structures on the National Register of Historic Places: Automatic Waivers may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or State Inventory of Historic Places, without regard to the variance procedures set forth in the remainder of this sub-section.
- H. Appeals to Federal Floodplain Mapping and 100-year Elevation Determination: Persons disputing the mapping of the 100-year flood elevations or the boundaries of the Flood Hazard areas or Floodway shall file an appeal with t7e Federal Emergency Management Agency via Section 70 of the National Flood Insurance Program.
- I. Development Density: Within the flood hazard and area when portions of a development site are required to be dedicated to the City as floodway right-of-way or otherwise prohibited from being developed, the City may use an overall density calculation rather than the minimum lot area requirements to determine the number of dwelling units allowed in the site. Setback and lot area standards may be varied by the City on the remainder of site to accommodate the approval by the City.
- J. Evacuation Plans: Mobile Home Park: Mobile home park or subdivision developers shall file evacuation plans with the City and Morrow County Emergency Service Department.
- K. Additional Information and Special Cases: The City may require a registered engineer's evaluation and development plan or more detailed floodplain information for a proposed project. Also, uses not otherwise addressed in the standards of this zone may be determined by the City on a case by case basis. Action may be delayed while the City obtains expert information or advice or if the City requires more detailed information and planning from the applicant.

L. Conditions of Approval: The City may place conditions of approval on any development permit issued in this zone if said conditions are deemed necessary to mitigate hazards to the applicant's project or to neighboring or other impacted properties.

### 3.70 FLOODWAY ZONE, FW

3.71 INTENT: The Floodway Zone is intended to protect and prevent the obstruction of critical floodway Willow Creek.

3.72 FLOODWAY MAPPING: The Floodway Zone comprises the area designated as "floodway" on the Flood Boundary and Floodway Map (410176 9991) included as part of the Flood Insurance Study for the City of Ione. This study was revised on 03 April, 1984, and the effective date of mapping is 03 October, 1984. Within the Urban Growth Area, the applicable mapping of the Floodway is that contained within the Morrow County Flood Insurance Study.

### 3.73 PERMITTED DEVELOPMENT

1. Land for raising and harvesting farm produce or for pastures, all produce must be legal to produce and sell within State and Federal Laws.
2. Private landscaping and gardens, cultivation of farm produce. All plants must be legal to grow within State and Federal laws.
3. Public or private parks, golf courses, and other non-structural recreation development.
4. Fencing and free-standing walls.
5. Roads, streets, driveways, bridges and parking lots.
6. Wildlife Management
7. Stream bank erosion control.
8. Channel Improvement.
9. New buildings and additions to existing building ONLY IF LOCATED within the triangular "obstructed flow" on the upstream and downstream sides of existing buildings. Such requests shall be accompanied by a site plan drawn to scale showing the size and location of the existing building(s) cresting the "obstructed flow zone" and the proposed addition or new construction. This information will be sent to the Region 10 office of FEMA for review. If FEMA approve, the City may then issue a Development Permit.
10. Building improvements that are NOT lateral additions, unless allowed by 9. Above. (e.g. A second floor Reconstruction or replacement of buildings in existence on or before the issuance of the revised FEMA mapping of 03 April, 1984. If the proposed replacement is of different dimension than the original, for example when a mobile home is intended to replace an old house, the request shall be sent to FEMA for approval per 3.73 (9) above.

11. Reconstruction or replacement is NOT limited to a period within 1 year after a building or mobile home is destroyed or removed reconstruction or replacement may take place anytime up until the issuance by FEMA of a new floodway study and mapping for Ione. When a building or mobile home is destroyed or removed, a STAR shall be placed on the City Zoning Maps until re-mapping is re-issue or until the building or mobile home is replaced or reconstructed. (see also Sub-section 4.26 of this ordinance.)

3.74 PROHIBITED DEVELOPMENT:

1. New structure, including dwellings, mobile homes, outbuildings, and farm, excepting open wall buildings for farm or recreational use.
2. Land filling, unless balanced by an equal amount of excavation or in limited quantities as part of an erosion control project.
3. Channel or floodway blockage.

3.75 DEVELOPMENT STANDARDS AND ADMINISTRATION:

Sub-section 3.62 and 3.64 to 3.69 of the FH, Flood Hazard Overlay zone shall apply in this FW, Floodway Zone.

3.80 STEEP SLOPE OVERLAY ZONE, SS

**PURPOSE:** The purpose of the Steep Slope Overlay Zone is to protect the public health safety and welfare by assuring that development in hazardous or potentially hazardous steep slope areas is appropriately planned to mitigate the threat to man's life and property.

- 3.81 APPLICATION. This overlay zone is intended to be applied to the steeply sloping hillsides and bluffs north of Highway 74 which might be subject to landslide/steep slope hazards. This zone is applied to all areas with an average slope of 12 percent or greater to caution prospective builders. However, its limiting provisions, as noted below, only take effect if the applicant proposes to build on slopes of 25 percent or greater.

- 3.82 GRADING AND DRAINAGE. The grading and drainage standards of Sub-section 11.38 of this ordinance apply with special concern in the Steep Slope areas. All development must comply with these standards.

3.83 CRITERIA FOR REVIEW. Prior to development, the following shall occur:

1. A signed and written certification from the applicant shall be submitted at the time of permit application approval stating that the proposed development will not occur in areas of 25 percent or greater slope, or;
2. If the applicant proposes development on slopes greater than 25 percent, a review shall be initiated to ensure site suitability. Such review shall be conducted in the process of Development Permit approval.

3. Any proposed development on slopes equal to or greater than 25 percent slope shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For the purposes of this sub-section, development shall include any excavation or change in topography such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.
  
4. In approval of a development permit or a conditional use request, the following conditions may be imposed t the time of approval to ensure site and area stability:
  - a. Maintain vegetation and eliminate widespread destruction of vegetation.
  - b. Carefully design new roads and buildings with respect to:
    - 1) Placement of roads and structures on the surface of topography;
    - 2) Surface drainage on and around the site;
    - 3) Drainage from buildings and road surfaces;
    - 4) Placement of septic tank disposal fields.
  - c. Careful construction of roads and buildings.
    - 1) Avoid cutting toe slopes of slump blocks.
    - 2) Careful grading around the site, especially avoiding over steepened cut banks.
    - 3) Revegetating disturbed areas as soon as possible.
    - 4) Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.

3.85 PERMANENT OPEN SPACE ZONE, O. No permanent, structures may be built. The following uses are permitted outright in a permanent open space zone:

1. Farming, including crop cultivation, truck gardening or plant nursery enterprises and livestock grazing.
2. Natural areas, including wildlife refuges.
3. Outdoor recreational facilities.
4. Wildlife management and habitat enhancement.

### 3.90 ADDITIONAL REQUIREMENTS

3.91 CLEAR VISION AREAS. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad.

1. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines for a distance specified in this regulation, or where the lot lines have rounded corners, the

lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

2. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2 ½ feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of 8 feet above this grade.
3. The following measurements shall establish clear-vision areas:
  - a. In a residential zone, the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet.
  - b. In all other zones where yards are required, the minimum distance shall be 15 feet, or at intersections including an alley, 10 feet, except that when the angle of intersection between streets other than an alley, is less than 30 degrees, the distance shall be 25 feet.
  - c. Where no yards are required distance shall be as in (b) above and buildings may be constructed within the clear-vision area, providing that any portion of the structure within the clear-vision area is more than 8 feet 8 feet above the top of the curb or street construction grade and is supported by not more than two (2) columns not more than 8 inches in diameter.

3.92 GROUND COVER REQUIREMENTS. Any property in an R-1, R-2 or C zone shall be planted with ground cover, trees and bushes so as to prevent any dust blowing from the property; such plantings shall be in place within six (6) months after completion of the structure.

3.93 STREET AND SHADE TREES.

1. Where not already existing, street trees shall be planted and maintained in accordance with Sub-section 11.40 of this ordinance whenever a dwelling is built, installed, added onto, or provided with a new accessory structure, except where a solar collector or solar skyspace easement would be blocked thereby.
2. Where not already existing, sufficient shade trees shall be planted on the south and west sides of dwelling to shade the south and west portions of the house and adjoining areas from the summer sun, except where an existing solar collector or solar skyspace easement would be blocked thereby. Deciduous trees (please see the “Recommended Street Tree List”) healthy condition, or if removed, shall be replaced with appropriate new specimens. This requirement shall take effect whenever a dwelling is built, installed, added onto, or provided with a new accessory structure.

3.94 ENERGY CONSERVATION RECOMMENDATIONS. The following landscaping and building or orientation suggestions are recommendations, not requirements, and are intended to assist the new homeowner, builder, or developer.

1. Building Orientation:

- a. For maximum southern exposure, single-family dwellings and multi-family dwelling buildings should be aligned east-west, with a variation of up to 30 degrees there-from being the maximum advisable.
- b. Most living areas (e.g. living rooms, family rooms, kitchen-dining rooms, covered patios or porches) should be located on the south side of the dwelling, for warming by low winter sun.
- b. It is encouraged that wide eaves be provided along at least the south and west sides of the dwelling to reduce high summer exposure to around the home those walls.
- c. It is encouraged that garages and outbuildings be located on the north or west sides of the dwelling to help block winter winds.

2. Landscaping;

- a. It is encouraged that evergreen foundation shrubs be planted along the west and north sides of a dwelling to help reduce heat loss from the building.
- b. It is encouraged that evergreen and/or hedges be planted north and west of the dwelling to help block cold winter winds.
- c. It is encouraged that most of the lot or parcel surrounding the buildings be landscaped rather than paved since trees, shrubs, grass, etc. provide cooler conditions around the home than pavement which absorbs and reflects heat.

3.95 SOLAR COLLECTORS AND SOLAR SKYSPACE EASEMENTS: Solar

Collectors may be approved subject to the following standards:

- 1. The applicant shall provide a diagram of the “solar sky space” for the proposed solar collector, plotted on a map illustrating property boundaries and existing buildings and trees on both the applicant’s property and any properties over which the “solar sky space” would extend.
- 2. The applicant shall obtain “solar sky space easements” from all property owners over whose property the “solar sky space” for the proposed collector would extend. Said easements shall be recorded in the Morrow County Deed Records.
- 3. Once (1) and (2) above are completed, the City shall issue approval of the solar collector, and it may be constructed as approved.
- 4. An approved solar collector and its recorded “solar sky space easement” shall be protected from encroachment by buildings, structures, or landscaping that would impair its efficiency by 10 percent or more.

SECTION 4. NON-CONFORMING USES

4.10 DEFINITION. A structure or use lawfully in existence at the time this ordinance or any amendment thereto became effective, which does not conform to the conform to the requirements of the zone in which it is located.

4.20 CIRCUMSTANCES FOR ALLOWING A NON-CONFORMING USE:

4.21 CONTINUATION AND IMPROVEMENTS. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located and improvements to the property or structure or both may be made when necessary to continue but not expand the use.

4.22 CHANGES AND ALTERATIONS OF USE. A non-conforming use or structure may not be replaced, changed, or altered to another use unless the change or alteration is to the same use classification as permitted in this ordinance, or to a classification that more nearly conforms to the regulations for the zone in which the use is located.

4.23 DISCONTINUATION OF USE. If the non-conforming use is discontinued for a period of one (1) year, further use of the property shall conform to this ordinance. See also Sub-section 3.73 (1) of this ordinance.)

4.24 DESTRUCTION OF STRUCTURE. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80 percent of its valuation as determined by the County Assessor, the non-conforming use or structure shall not be reestablished. A future structure or use on the site shall conform to this ordinance.

4.25 PRE-EXISTING PERMITS, Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued or approved by the City and construction has commenced prior to the adoption of this ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two(2) years from the time the permit was issued.

4.26 DESTRUCTION OR REMOVAL OF A STRUCTURE WITHIN THE FLOODWAY:

Not- Sub-section 4.23 and 4.24 above, structures which are non-conforming ONLY because they are located in the Floodway area, may be replaced or reconstructed in compliance with Sub-section 3.73(11) of the Floodway Overlay Zone, provided other applicable standards of this ordinance, such as yard areas, are met.

SECTION 5. CONDITIONAL USES

5.10 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this section. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance

as a conditional use, a change in the use or in lot area or an alteration of structure shall conform with the requirements for conditional use. A conditional use proposal shall be approved by the Planning Commission if the following criteria are either met, can be met by observance of condition, or are found not applicable.

1. The use complies with the Comprehensive Plan and the other relevant city ordinances and policies.
2. Taking into account location size, design, and operating characteristics, the use shall not unreasonably interfere with continuation of existing uses or uses allowed outright on abutting properties.
3. The use will actually be developed with the features required by the Planning Commission.
4. The use will not have significant adverse impact on public facilities, including but not limited to streets, sewer (when available), and water facilities. (e.g. The traffic generated by use shall not surpass the capacity of the street serving the area, unless up-grading is agreed to and funded).
5. The design will preserve environmental assets such as trees, watercourses, Historic and archaeological sites, and similar irreplaceable assets of particular interest to the community.
6. The applicant has a bona fide interest and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal and is not motivated solely by such purposes as the alterations of property values for speculative purposes.

5.20 PLACING CONDITIONS ON A PERMIT. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary and reasonable to minimize conflict between the proposed use and existing uses or uses permitted outright. These conditions may include the following:

1. Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibrations, air pollution, glare and odor.
2. Establishing a special yard or other open space or lot area or dimension.
3. Limiting the height, size, or location of a building or other structure.
4. Designating the size, numb, location and nature of vehicle access points and off street parking spaces.
5. Increasing the amount of street dedication, roadway width or improvement within the street right-of-way.
6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
7. Limiting or otherwise designating the number, size, location, height and lighting of signs.
8. Limiting the location and intensity of outdoor lighting and requiring its shielding.

9. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
10. Designating the size, height, location and materials for a fence.
11. Measures to protect and preserve existing trees, vegetation, water resources, wildlife habitat or another significant natural resources.
12. Requiring a children's play area or outdoor recreation area or both in the case of a multi-family dwelling or a mobile home park of 10 or more units.
13. Other reasonable measures to permit the development of the City in conformity with the intent and purpose of the conditional classification of uses.

5.30 APPLICATION FOR A CONDITIONAL USE.

1. A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or the authorized agent of the owner by filing an application with the Planning Commission in accordance Section 12. In addition to the requirements of Section 12, the applicant must show that the proposed conditional use reasonably meets the need recognized by the ordinance.
2. In addition to filing an application, the Planning Commission may require the applicant to post bond up to the amount of the cost of meeting conditions and standards specified by this ordinance or the Planning Commission. The bond shall be returned upon proof by the applicant that the conditions and standards have been met. If conditions and standards required are not met within one (1) year, the bond shall be forfeit and the City may institute proceedings under Sections 13 of this ordinance.

5.40 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION. The procedure for taking action on a conditional use application shall be as follows:

5.41 PUBLIC HEARING REQUIREMENTS. Before the Planning Commission may act on an application for conditional use, a public hearing shall be held as provided in Section 12.

5.42 APPLICATION REVIEW: Upon receipt of the application, the City Recorder shall provide copies of the application material to the Planning Commission members.

5.43 NOTICE TO APPLICANT OF ACTION TAKEN. Following the close of the hearing, the City Recorder shall provide the applicant with written notice of the action taken as provided in Section 12.

5.50 TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE. Authorization of a Conditional use shall be void after one (1) year or such time as the authorization may specify unless all requirements of this ordinance and the Planning Commission have been met. The Planning Commission may extend such authorization for a period not to exceed one(1) additional year.

5.60 TIME LIMIT ON REAPPLICATION. No application for a conditional use permit shall be considered by the Planning Commission within one (1) year of the denial of the request, unless in the opinion of the Planning Commission, new evidence, or a change of circumstances warrant it.

## SECTION 6. VARIANCES

6.10 AUTHORIZATION TO GRANT OR DENY VARIANCES. The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances relating to a specific property, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of the property for a purpose not authorized within the zone in which the proposed use would be located. In granting variances, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

6.20 CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be Granted only in the event that ALL of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography, or other circumstances over which the owner of the property, since the enactment of this ordinance has no control.
2. This variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the zone or vicinity possess.
3. There is a public need for the purpose to be achieved by the variance.
4. The public need is reasonably met by the variance.
5. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, and the variance is in compliance with and is not a deviation from the Comprehensive Plan for the City.
6. The variance requested is the minimum variance which would alleviate the hardship.

6.30 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION.

The procedure for taking action on an application for a variance shall be as follows:

1. A property owner may initiate a request for a variance by filing an application as provided in Section 12.
2. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following the procedure prescribed in Section 12.

6.40 TIME LIMIT ON A PERMIT FOR A VARIANCE. Authorization for a variance shall be void after one (1) year unless substantial construction has taken place. However, the Planning Commission may extend authorization for a period not to exceed one (1) additional year on request.

## SECTION 7. MOBILE HOME REGULATIONS

### 7.10 GENERAL REQUIREMENTS FOR SITING MOBILE HOMES:

7.11 DIMENSIONS. Mobile homes sited on individual lots shall have at least 400 Square feet of floor area.

7.12 INSIGNE OF COMPLIANCE. The mobile home shall have the Oregon “Insigne Of Compliance” as provided for by ORS 446.170. However, upon submission of evidence indicating substantial compliance with the standards required for an “Insigne of Compliance”, waive the “Insigne of Compliance” requirement for units manufactured prior to September 1969.

7.13 OWNERSHIP. The owner of the lot upon which the mobile home is to be sited shall agree in writing prior to installation, that if the mobile home is removed from its foundation, the owner of the lot shall remove the foundation and all additions to the home and permanently disconnect and secure all utilities. This agreement shall authorize the City to perform the work above described and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within thirty (30) days from the date the mobile home is removed. This condition shall not apply in the event that another mobile home is placed on the original foundation within thirty (30) days of the removal of the original mobile home.

### 7.20 INSTALLATION REQUIREMENTS:

7.21 STAND REQUIREMENTS. The mobile home shall be situated on a stand, which has been improved to allow adequate drainage, constructed on soil with a minimum bearing capacity of 1,500 pounds per square foot.

7.22 INSTALLATION AND TIE-DOWN REQUIREMENTS. The mobile home shall be installed, tied down and anchored in accordance, with the rules established by the Oregon Department of Commerce, or in accordance with the instructions of the manufacturer which have been approved by the Department of Commerce. Such requirements must be met within seven (7) days after the mobile home has been placed on the lot.

7.23 FOOTINGS OR FOUNDATION REQUIREMENTS. The mobile home shall be installed in accordance with one of the following methods.

1. The mobile home shall be placed upon pieces and footings in accordance with state approved instructions provided by manufacturer.
2. The mobile home shall be placed on a cement or concrete block foundation in accordance with Department of Commerce regulations and accepted engineering standards.

7.24 TONGUE REMOVAL. The tongue of the mobile home shall be removed unless the tongue is a permanent part of the frame that is not designed for removal.

7.25 SKIRTING, GUTTERS AND DOWNSPOUTS. Unless the foundation is continuous, the unit shall have a continuous skirting of non-decaying, non-corroding material extending at least 6 inches into the ground or extending to an impervious surface. The skirting or continuous foundation shall have openings which shall be secured against entry of animals under the mobile home. The mobile home shall be provided with gutters and downspouts to direct water into storm drains if storm drains are available.

7.30 ATTACHED EXTENSIONS, No extensions or outbuildings shall be physically attached to the mobile home; however, a covered or uncovered carport or patio, or a storage unit for incidental yard and household items may be erected adjacent to the exterior walls of the mobile home. Exceptions: Factory installed tip-outs that are designed to blend in with the rest of the mobile home are allowed. The City Council, after consideration of the proposed construction, may waive this requirement if the proposed attachment shall:

1. Blend in with the rest of the mobile home;
2. Provide added value and utility to the mobile home;
3. Comply with setbacks and lot coverage requirements;
4. Comply with the Uniform Building Code of the State of Oregon and shall not adversely affect the structural integrity of the mobile home.
5. Not create a nuisance or eyesore to surrounding property owners.

## SECTION 8. RECREATION VEHICLES.

8.10 LOCATION OF RECREATION VEHICLE. It shall be unlawful for any person to park any recreation vehicle upon any street, alley or highway or other public place, or upon any private premises, whether occupied or unoccupied, with the City, outside of a licensed

mobile home or recreation vehicle park, except: as noted in Sub-section 8.11 through 8.14 below.

8.11 EMERGENCY OR TEMPORARY PARKING. Emergency or temporary stopping or parking of a recreation vehicle is permitted on any street, alley or highway for not longer than twelve (12) hours subject to any other prohibitions, regulations or limitations imposed by traffic and parking regulations and ordinances.

8.12 PERMITTED PARKING REGULATIONS. Recreation vehicles may be parked upon private lots or tracts of land pursuant to the following limitations:

1. No recreation vehicle shall be parked on any private lot or tract of land for a period exceeding fourteen (14) days.
2. Such recreation vehicles shall be used for sleeping purposes only.
3. Electrical outlets for such recreation vehicle may be provided, but the installation shall be in compliance with state electrical regulations. No connected electrical extension cords shall lie on the ground or be suspended less than 7 feet from the ground. Electrical cords buried in the ground are permissible.

8.13 LOCATION UPON OWNER'S PREMISES. Recreation vehicle owners may store their own recreation vehicles upon their own premises, pursuant to Sub-section 8.12, numbers 2 and 3 above.

8.14 PERMITTED PARKING AS A TEMPORARY USE. Recreation vehicles may be sited and utilized pursuant to Sub-section 12.40 and conditions and restrictions imposed by the City Council.

## SECTION 9. OFF STREET PARKING AND LOADING.

9.10 GENERAL PROVISIONS.

9.11 PROVISION OF FACILITIES. At the time of erection of a new structure, or at the time of enlargement or change of use of an existing structure, of-street parking and loading shall be provided as specified in this section, unless greater requirements are otherwise established.

9.12 PARKING SPACE MAINTENANCE. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented to the City that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of the property shall be conditional upon the continuing availability of the amount of parking and loading space required by this ordinance.

- 9.13 TOTAL REQUIREMENTS. If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- 9.14 PARKING SPACE LOCATION. Required parking space shall be located not more than 500 feet from the building or use they serve.
- 9.15 PARKING SPACE USE. Required parking spaces shall be available for the parking of passenger automobiles of customers and employees only, and shall not be used for storage of materials or the parking of trucks used in conducting the business or use.
- 9.20 OFF STREET PARKING SPECIFICATIONS. Where floor area is specified that area shall be gross floor area of the structure exclusive of any area devoted to off-street parking or loading. Where the number of employees is used to determine parking requirements, persons counted shall be those intended to be working on the premises, including proprietors during the largest shift in peak season.
- 9.21 PARKING SPACES ARE REQUIRED AS FOLLOWS:

<u>USE</u>	<u>STANDARD</u>
<b><u>Residential</u></b>	
One or two family dwellings	1 spaces per dwelling unit.
Multi-family dwellings	2 spaces per dwelling unit and 1 bicycle space per two dwelling units.
Hotel or Motel	1 space per dwelling unit.
<b><u>Institutional</u></b>	
Hospital	1 space per four beds.
Nursing Home, home for the Aged, residential home	1 space per four beds.
Preschool or kindergarten	2 spaces per teacher.
Elementary or Junior High School	1 space per classroom plus 1 space per administrative employee and 1 bicycle space per four students.
Theater, auditorium, church, Stadium or other assembly area	1 space for each four seats or if not fixed seats, then 1 space for each 72 square feet of floor area.
High School	6 spaces per classroom plus 1 space for each employee and 1 bicycle space per four students.

Clubs or Meeting Halls 1 space per 100 square feet of floor area.

**Commercial**

Retail Stores 1 space per 200 square feet of floor area plus 1 space per 2 employees and 1 bicycle space per 600 feet of floor area.

Service or repair shop 1 space per 600 square feet of floor area plus 1 space per 2 employees.

Doctors and dentists (medical and dental clinics) 1 space per 300 square feet of floor area and 1 space per employee.

Banks or professional offices (except medical and dental) 1 space per 300 square feet of floor area plus 1 space per employee.

Eating or drinking establishments 1 space per 200 square feet of floor area plus 1 space per 2 employees.

Bowling Alley 3 spaces per alley plus 1 space per per employee

**Industrial**

Storage , manufacturing establishments, freight terminal, food processing. Wholesale establishment , 1 space per employee plus 1 space per 70 square feet of patron serving area.

9.22 SCHOOL BUS LOADING AREAS. Each school having a capacity of over 25 pupils shall have a driveway designed for a continuous forward flow of passenger vehicles for the purposes of loading and unloading children.

9.23 RESIDENTIAL PARKING. In a residential area, no parking shall be allowed in the front yards of the dwelling units other than on a driveway.

9.24 BICYCE RACKS. Bicycle spaces shall be racks anchored so that they cannot be easily removed. Racks shall be designed so that at least one wheel and the frame of a bicycle can be locked securely to it with a heavy chain, cable or padlock. Bicycle racks shall be clearly labeled as available for bicycles and shall be located to be at least as convenient as the convenient car parking, and as close to the desired entrances as possible without interfering

with pedestrian traffic. Bicycles and auto parking areas should be separated by some form of barrier to eliminate the possibility of a bike being hit by a car.

9.30 JOINT PARKING. Owners of two or more uses, structures or parcels of land may agree to utilizing jointly the same parking and loading spaces when the hours of operation do not overlap, providing that the owners present to the Planning Commission legal evidence of such arrangement in the form of a lease, deed or contract.

9.40 OFF-STREET LOADING. Any off-street loading other than schools shall be located such that there is no interference with traffic on any street other than an alley.

9.50 NONLISTED USES. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning Commission, based upon the requirements of comparable uses listed.

9.60 SURFACING. All off-street parking spaces and driveways, except those single family residences, shall be hard surfaced with concrete, asphalt, cement, oil mat or similar surface which is resistant to dust and mud. Type and thickness of this hard surface must be approved by the City Engineer.

9.70 ACCESS. Groups of more than four off-street parking spaces shall be served by a driveway or aisle so that no backing movements or other maneuvering within a street other than an alley will be required. Driveways or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, painting, walls or other appropriate markers and shall not be considered as parking spaces.

## SECTION 10. SIGNS

### 10.10 SIGN REQUIREMENTS:

10.11 RESIDENTIAL ZONE REQUIREMENTS. In a residential zone the following regulations shall apply:

1. No sign shall be illuminated in any manner.
2. One name plate or home occupation sign shall be allowed and shall not exceed 4 feet in area.
3. One sign shall be allowed per lot advertising the property for sale, lease or rent and the sign shall not exceed 6 square feet. A "for sale" sign shall not be allowed to remain on the property after the property is sold.
4. One sign shall be allowed per subdivision advertising lots or homes for sale. Such sign shall not exceed 50 square feet in area and shall be set back at least 20 feet from the nearest street.

10.12 COMMERCIAL ZONE REQUIREMENTS. In a commercial zone the following Regulations apply:

1. Signs shall be set back at least 10 feet from any residential property.
2. Moving or flashing signs are prohibited
3. Total area of all signs shall not exceed 1 square foot per 100 square feet of the building containing the business which the sign identifies.
4. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.

10.13 INDUSTRIAL ZONE REQUIREMENTS. In an industrial zone, the following Regulations shall apply:

1. Signs shall be set back at least 10 feet from any residential property.
2. Moving or flashing signs are prohibited.
3. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.

## SECTION 11. SUPPLEMENTARY PROVISIONS.

### 11.10 EXCEPTIONS:

11.11 PROJECTIONS FROM BUILDINGS. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues and other architectural features may project not more than 2 feet into a required yard of open space as established by this ordinance.

11.12 HEIGHT EXCEPTIONS, The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, church spires, belfries, radio and television antennae, flagpoles smoke stakes and other similar projections.

11.13 LOT SIZE EXCEPTIONS. If a property ownership, whether it be a lot or more than one contiguous lot held in a single ownership at the time of this ordinance, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. The record of ownership as recorded in the office of the County Clerk at the time of passage of this ordinance shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this ordinance became applicable to the land concerned.

11.20 ACCESSORY USES AND FACILITIES. Accessory uses and facilities shall

be permitted in any district when incidental to and associated with a permitted use or facility, or when incidental to and associated with an allowable and authorized conditional use therein, subject to the provisions of this section.

11.21 ACCESSORY USES AND FACILITIES. Accessory uses and facilities shall meet the following requirements:

1. Shall be subordinate to the primary activity of the principal use or the Principal facility, respectively.
2. Shall contribute to the comfort, convenience, efficiency, or necessity of the occupants or the activities of a principal use, or the function of a principal structure.
3. Shall be located on the same site as the principal use or structure served.
4. Shall not violate setback requirement or maximum lot coverage standards provided for in Section 3.
5. If the accessory use is a residence in a commercial or industrial zone, it shall be adequately served with water, sewage and utility facilities and shall meet state requirements. If the accessory use includes utilization of a mobile home for an office, a residence or sleeping quarters, the mobile home shall be installed pursuant to Sub-section 7.20. If the accessory use includes utilization of a mobile home for home, a residence or sleeping quarters, the mobile home shall be installed pursuant to Sub-section 12.40 and any conditions and restrictions imposed by the City Council. If the mobile home or recreation vehicle is not taxed as real property, the owner of the principal use shall pay the City Recorder \$100.00 annually in lieu of city taxes. The only acceptable proof of real property taxation shall be a statement of real property assessment and taxes or other explicit receipt from the County Assessor.

11.22 ACCESSORY USES AND FACILITIES include, but are not limited to, the following examples:

1. A home occupation is an accessory use in a residence.
2. A residence is an accessory use in a business
3. A solar collector is an accessory facility to a building.

11.23 CONTINUATION OF ALLOWABLE ACCESSORY USE. No use or facility permitted as an accessory use or facility pursuant to this section shall be constructed to be permitted as principal use or facility unless specifically authorized as a permitted or conditional use in the district in which it shall be located. Operation, occupancy and continuance of allowable accessory uses and facilities shall be conditional upon the continued occupancy or use of the principal use or facility being served.

11.30 GRADING AND DRAINAGE CONTROLS: The following standards and guidelines have been developed to encourage a compatibility between future development and the natural landscape, thereby avoiding serious drainage, erosion, and runoff problems and promoting a more attractive community.

11.31 GENERAL REQUIREMENTS:

1. The design and construction of all developments shall make provision for the following
  - a. Maintenance of natural drainage courses and features of a site.
  - b. Protection of the soil surface from undue water and wind erosion.
  - c. Minimizing of additional runoff due to surfacing of the land for roads, houses, and accessory facilities;
  - d. Accommodation of runoff from the development in such a way that erosion or siltation is not induced on adjoining or downstream properties;
2. Upon reviewing the natural characteristics of a particular site, the City may require that the applicant develop a Conservation Plan approved by the Morrow County Soil and Water Conservation District, such plan to be adopted and implemented as part of an approved Development Plan. Larger developments, such as mobile home parks, industrial facilities, and apartments, that are located on hillsides or along water courses, would usually be required to develop a Conservation Plan.

11.32 GRADING AND EXCAVATION: All grading and excavation projects shall be designed and carried out according to the following standards:

1. All grading and excavating work shall be related directly to and necessary for the construction and maintenance of a project approved by a Partition, Subdivision, or Development Permit.
2. A grading plan shall be submitted as part of a proposed Development Plan.
3. The smallest practical area of land shall be disturbed and exposed at any one time.
4. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
5. The development shall be fitted to the topography and soils to minimize erosion and blend in with the natural contours of the land.
6. Whenever feasible, natural vegetation shall be retained and protected during construction.
7. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during construction.
8. The permanent final vegetation and structures shall be installed as soon as practical.
9. No top soil shall be removed from the site except for those areas intended for structures or to be covered by other manmade improvements. The top

soil from areas intended for such improvements shall be redistributed within the boundaries of the lands in questions so as to provide a suitable base for seeding and planting vegetation.

10. Excavation shall be limited to that required for the construction of basements, foundations, and other below-surface level improvements.
11. Grading or excavation work within the flood hazard area requires a Development Permit from the City before any ground may be disturbed.

11.33 DRAINAGE: All Development Plans shall provide for adequate drainage of the site, accommodation of storm or flood water runoff, and the preservation of existing drainage courses, according to the following standards:

1. Increased runoff from project sites shall be reduced by minimizing the surface area covered by impervious paving and buildings, by encouraging the use of semi-pervious paving for patios, driveways, and walkways and use of grass, shrubs, other vegetation, and pervious landscaping materials over the bulk of the site.
2. Runoff should either drain away from structures or be channeled around them so as to prevent flooding of basements, garages, and living or working areas.
3. In an effort to prevent runoff flowing full-force into downhill yards or ditches and thereby causing flooding, the drainage system of a site shall include grassed swales or diversion ponds to capture runoff and hold it for a slower release. These impoundments can easily and attractively be incorporated in landscaping plans.
4. Low areas that could collect standing water should be limited to specific locations on the site designed for this purpose.
5. Where possible, drainage from the site shall be directly connected to an adequate drainage channel or water course.
6. Any watercourse, drainage way, channel, or stream crossing a site shall not be obstructed and shall be protected by a drainage easement or right-of-way. These drainage channels may be incorporated into landscaping plans, but should be kept adequately wide and clear of brush and trees so as to accommodate runoff from uphill areas. Impoundments may be created along the channel and trees may be planted along its banks. The bed of the channel should be grassed and large rocks may be incorporated into the design to slow the water down on the steep stretches. The location of the channel may be altered somewhat, but no way that would make the channel ineffective or increase flood hazard. Watercourse alterations are major conditional uses.
7. When drainage channels are modified, bridges, or put into culverts under streets, the improvements shall be designed to accommodate the potential runoff from the upstream drainage area as developed according to the Comprehensive Plan.
8. Where topography or other conditions indicate a new drainage channel needs to be provided to adequately accommodate runoff from a project, the applicant shall obtain drainage easements across affected properties and construct the appropriate facilities from the project site to a connection with an existing adequate channel.

9. Drainage easements and rights-of-ways shall be dedicated to the City. Such dedicated shall be conditions attached to the Development Permits for the project involved.
10. Drainage easements and right-of-way must be of sufficient width to accommodate the potential runoff from the upstream drainage area as developed according to the Comprehensive Plan.
11. Low-lying lands along watercourses outside the Willow, Lorraine, and Rietmann Creek floodplains, which are subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained as drainage ways.
12. The City may require that any proposed drainage system easement dedication, or drainage channel modification and improvement to reviewed by the Morrow County Soil and Water Conservation District, Corps of Engineers, or the City Engineer. The recommendations of these agencies may be attached as conditions to the granting of a Development Permit or may result in the Planning Commission denying a permit application. Any additional expense created by such Agency reviews will be assessed to the applicant as a supplemental fee.

#### 11.40 STREET TREES

1. General: As a requirement of subdivision or partition approval the applicant shall plant street trees on the property of the subdivision or partition. Such trees are to be planted along the road or roads within and abutting the subdivision, or at the discretion of the City Council, further back on the abutting property when topography or other pertinent conditions warrant. New trees pursuant to this requirement shall comply with the regulations contained in this sub-section. The presence of appropriately-located existing trees can partially or fully satisfy these street tree planting requirements.
2. Species: The species of street trees to be planted shall be subject to City approval prior to planting. Species shall be log-lived and suited to the City's climate and soils and width and location of planting area. A list of recommended species and varieties will be available at City Hall. Planting of a single species or variety is recommended along each street or block, with a wide variety of different species or varieties to be used on different streets and blocks to prevent over-planting of individual species or varieties. The following trees may not be planted as street trees or within public rights-of-way: poplar, willow, cottonwood, ailanthus, silver maple, boxelder, nut or fruit trees (except ornamental flowering cultivars or species) and conifers.
3. Location: Street trees shall be planted in required parkway strips or, if not available, within 10 feet of a street edge (curb or edge of paving or gravel parking strip). At intersections, street trees shall be located and pruned in conformance with the clear vision standards of this ordinance, Sub-section 3.91. The City may allow considerable variation in location in areas of difficult topography where strict alignment along the road edge would be impractical.

4. Overhead Utility Lines: When overhead utility lines are present above the desired location of a row of street trees or an individual tree, the species or cultivar to be planted shall be of an ultimate height that will not interfere with the wires. Tree location may also be altered to avoid future interference with overhead lines.
5. Spacing: The spacing of street trees shall generally be 30 to 40 feet, but is dependent on the Cultivar selected and topography, as approved by the City.
6. Size and Type of Planting Stock: New street trees must be healthy nursery stock of the "B&B" or bare root type with a minimum height of 6 feet, with healthy root structure, lowest branches at 3 feet and a trunk diameter at least 6 inches above ground level of at least 1 ¼ inches. If possible, a larger stock should be planted.
7. Time of Planting: Street trees shall be planted within six (6) months of occupancy of a new building or by a new use, or within 6 months of completion of a street project. It is recommended to plant street trees in the fall or spring, or during mild time periods during the winter.
8. Installation and Maintenance: Installation and maintenance of street trees is the responsibility of the adjoin property owners, or the responsible government agency or a homeowner's association in the case of street trees along portions of collector and arterial streets onto which no lots front. Street trees shall be kept in healthy condition and shall be pruned up within three (3) years of planting so that branches are at least 7 feet above sidewalks and streets and at least 8 feet above curb or street crown level in clear vision areas. A street trees that dies shall be replaced within six (6) months.
9. City Approval: Location: Location and species approval by the City Recorder or Planning Commission Chairman is required prior to planting or replacing a street tree. No fee is involved.

## SECTION 12. ADMISTRATIVE PROVISIONS

- 12.10 FORM OF PETITIONS, APPLICATIONS AND APPEALS. Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the City. Applications shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing actual shape and dimensions of the lot to be built upon; the size and locations of existing and proposed structures; the intended use of such structures; the number of families, if any to be accommodated thereon; the relationship of the lot to the surrounding property; the legal description of the lot; the location of any off-street parking; the name and addresses of owners of property within 250 feet of the exterior boundaries of the lot; and such other information as is needed to determine conformance with this ordinance. Applications shall be accompanied by a filing fee in an amount established by the City Council.
- 12.11 JOINT APPLICATION: The City may accept joint applications for two or more types of land use requests as long as each request pertains to the same proposed project or actions. (For example: a Conditional Use request for a multi-family apartment building could be accompanied by a request for a side yard setback variance use request for the same project.) Joint applications may also involve

land use requests outside the legal scope of this ordinance, such as annexations, Comp. Plan amendments, partitions, subdivisions, and mobile home parks. Again, all the types of requests must relate to the same project or action. Care should be taken that the public hearing, time frame, and notification requirements of each affected ordinance be complied with in processing this type of joint application. For all types of joint applications, the hearings may be conducted simultaneously, and fees shall be assessed per the Fee Schedule.

- 12.12 TIME LIMIT ON FINAL ACTION: Within one hundred twenty (120) days a submission of an application for any land use request, the City shall render a final decision, unless it is mutually agreed by the applicant and the City to extend this time limit. (eg. When additional information is needed to be compiled or when the applicant needs more time to prepare and submit revisions to mitigate or remove negative impacts of the proposed project.) An application will be considered “submitted” when the Planning Commission Chairman or the City Council’s designee certifies that the application is complete per the requirements of this ordinance.
- 12.20 NOTICE OF PUBLIC HEARING:
- 12.21 PUBLISHED AND POSTED PUBLIC NOTICE. Notice of public hearing on a proposed application , petition, amendment to the text of this ordinance or appeal shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the date of the hearing. In the alternative, if there is no newspaper of general circulation, each notice of hearing authorized by this ordinance shall be posted in at least two (2) conspicuous places within the City continuously beginning at least ten (10) days prior to the date of the hearing.
- 12.22 PERSONAL WRITTEN NOTICE. In addition, a notice of a hearing on a conditional use, a variance or an amendment to the zoning map which would change boundaries, classifications or uses shall be sent to owners of property within 250 feet of the property for which the conditional use, variance or amendment has been requested. Such notice shall be mailed at least ten (10) days prior to the date of the hearing. When all or part of a mobile home park is proposed to be rezoned, this notice shall also be sent to each existing mailing address for tenants of the mobile home park, and the notice shall be mailed at least twenty (20) days but not more than forty (40) days before the hearing.
- 12.23 FAILURE TO RECEIVE NOTICE. Failure of a person to receive notice as prescribed in this section shall not impair the validity of the hearing.
- 12.24 PURPOSE OF PUBLIC HEARING. The hearing shall allow interested property owners the opportunity to be heard and to present and rebut evidence .
- 12.25 RECESS OF HEARING. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing the time and date when the hearing is to be resumed shall be announced.

- 12.26 NOTICE TO APPLICANT OF ACTION: Within ten (10) days following the close of a hearing, the City Recorder shall provide the applicant with a written notice of the Planning Commission's action on the application, the findings of fact on which the action is based, and any conditions imposed, signed by the chairman and secretary of the Planning Commission.
- 12.30 BUILDING PERMITS. No permit shall be approved by the City for the construction, reconstruction, alteration or change of use of a structure or lot does not conform to the requirements of this ordinance.
- 12.35 DEVELOPMENT PERMITS. Development Permits shall be obtained for all Development actions, as required and listed in Sub-section 1.45. A Development Permit is required for all classes of land use requests: e.g. conditional use, temporary use, outright permitted use. It is issued after the request has been approved. The Planning Commission Chairman and/or the designee of the City Council is empowered to approve a Development Permit. He/she shall review the request for compliance with the provisions of this and other City ordinances, and any actions by the Planning Commission or Council in Approving a request requiring a public hearing. Alterations to the proposal May be required and will be noted on the Development Permit. An approved Development Permit constitutes the City's approval of a Building Permit, or Other similar permits required for construction.
- 12.40 TEMPORARY USE PERMITS. The City Council may issue a temporary use permit to allow the short term use of a site by a mobile or temporary structure or activity. Such structures or activities may not be ordinarily allowed in the particular zone, but are necessary for some useful purpose, and, because of the temporary nature, will not adversely impact the neighborhood or the City as a whole. Application for a temporary use permit shall be made on forms provided by the City. Temporary use permits may be granted for any period of time up to one (1) year, subject to renewal if necessary.
- 12.50 APPEAL. An action or ruling of the Planning Commission authorized by Ordinance may be appealed to the City Council within fifteen (15) days After the commission has mailed notice of its decision by filing written Notice with the City Recorder. If no appeal is taken within the 15-day Period, the decision of the Planning Commission is final. If appeal is Taken, the Planning Commission shall make a recommendation to the City Council which shall hold a public hearing as provided in Sub-Section 12.20 on the appeal before making a decision.
- 12.60 AMENDMENTS:
- 12.61 AUTHORIZATION TO INITIATE AMENDMENTS. An amendment to To the text of this ordinance or to a zone boundary may be initiated by the

City Council, the Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Recorder.

- 12.62 PUBLIC HEARINGS ON A PROPOSED AMENDMENT. A public hearing shall be held by the Planning Commission with the public notice given as provided in Sub-section 12.20, on any proposed amendment to the Zoning Ordinance, at its earliest practicable meeting after the amendment is proposed. The amendment is proposed. The Planning Commission shall, within forty (40) Days after the hearing, recommend to the City Council approval, disapproval or Conditional approval of the proposed amendment. After receiving the Recommendation of the Planning Commission, the City Council shall hold a Public hearing as provided in Sub-section 12.20 on the proposed amendment Before making a decision.
- 12.63 RECORD OF AMENDMENTS. The City shall maintain a record of amendments To the text and maps of this ordinance in a form convenient for use by the public.
- 12.64 LIMITATION ON REAPPLICATIONS. No application of a property owner for an amendment to the text of this ordinance or to a zone boundary shall be considered by the Planning Commission within the 1-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if in the opinion of the Planning Commission new evidence or a change of circumstances warrants it.

SECTION 13. INTERPRETATION AND ENFORCEMENT:

- 13.10 INTERPRETATION. Words used in the present tense include the future, the singular form includes the plural, the plural includes the singular form includes the plural includes the singular. Where a provision of this ordinance is less restrictive than a provision of another ordinance or requirement of the City, the provision which is more restrictive shall govern.
- 13.20 AUTHORIZATION OF SIMILAR USES. The Planning Commission may rule that a use not specifically listed among the allowed uses in a zone shall be permitted as an allowed use, if it is similar to the allowed uses in the zone, if its effect on adjacent properties is substantially the same as that of allowed uses, and if it is not specifically listed as an allowed use in another zone.
- 13.30 PENALTY. A person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment for not more than ten (10) days, or by a fine of not more than \$1,000.00. A violation of this ordinance shall be considered a separate offense for each day that the violation continues.

If the alternative, where a use exists or is proposed to be located, constructed, repaired, altered or used in violation of this ordinance, the City may institute injunction, abatement or other appropriate proceedings to prevent, abate or remove such use.

- 13.40 SEVERABILITY. The provisions of this ordinance are severable. If a section, sentence, clause or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.