

AFFIDAVIT OF POSTING ORDINANCE NO. 23

STATE OF OREGON)
)
Counties of Clackamas and)
Washington) ss.
)
City of Wilsonville)


I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Thursday, the 27th day of May, 1971, at 8:15 a.m., I caused to be posted copies of the attached Ordinance No. 23 in the following three (3) public and conspicuous places of the City, to-wit:

1. Lowrie's Food Market
2. Wilsonville Post Office
3. Kopper Kitchen Restaurant

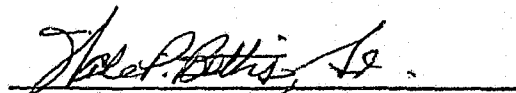
The Notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of Ordinance on the 1st day of June, 1971.

Dated at Wilsonville, Oregon, this 14th day of June, 1971.



City Recorder

Subscribed and sworn to before me this 14th day of June, 1971.



Notary Public for Oregon

My Commission expires: 11-22-73

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Dated at Wilsonville, Oregon, this 14th day of June, 1971.

Lee Reslock
City Recorder

Subscribed and sworn to before me this 14th day of June, 1971.

Thos. P. Bellis, Jr.
Notary Public for Oregon

My Commission expires: 11-22-73

I N D E X

<u>ARTICLE NO.</u>	<u>TITLE</u>	<u>PAGE</u>
I	INTRODUCTION.	3
II	PROVISIONS FOR OFFICIAL ZONING MAP	4
III	ZONES AND BOUNDARIES THEREOF. . .	5
IV	DEFINITIONS	6 - 9
V	ZONES.	10 - 39
VI	GENERAL REGULATIONS	40 - 47
VII	EXCEPTIONS AND MODIFICATIONS. . .	48 - 49
VIII	CONDITIONAL USE REGULATIONS. . .	50 - 54
IX	NON-CONFORMING USE.	55 - 56
X	VARIANCES	57
XI	ZONE CHANGES AND AMENDMENTS . . .	58 - 59
XII	PLANNED DEVELOPMENT REGULATIONS .	60 - 71
XIII	PLANNED COMMERCIAL AND INDUSTRIAL USE.	72 - 74
XIV	PUBLIC HEARINGS	75
XV	APPEALS	76
XVI	ADMINISTRATION AND ENFORCEMENT. .	77
XVII	FEEES	78
XVIII	EFFECTIVE DATE.	78

L E G E N D

R-7 SINGLE FAMILY (7,000 SQUARE FOOT LOTS)
R-10 SINGLE FAMILY (10,000 SQUARE FOOT LOTS)
R-20 SINGLE FAMILY (20,000 SQUARE FOOT LOTS)
C-1 LIMITED COMMERCIAL
C-2 LIGHT COMMERCIAL
I-1 INDUSTRIAL PARK
I-2 LIGHT INDUSTRIAL
RA-1 RURAL AGRICULTURAL
MR-1 MULTI-FAMILY
PDR PLANNED DEVELOPMENT REGULATION
PC & I PLANNED COMMERCIAL AND INDUSTRIAL ZONES

ZONING ORDINANCE NO. 23

WILSONVILLE, OREGON

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

ARTICLE 1. INTRODUCTION

SECTION 1.01 PURPOSE:

This Ordinance is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve, stabilize, and protect property values; to encourage the most appropriate use of land; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen traffic congestion, and to facilitate adequate and economical provisions for public improvements, all in accordance with a development plan for the future development of the City, or parts thereof; to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described--all as authorized by the provisions of Sections 227.010 to 227.280, Oregon Revised Statutes, and subsequent amendments.

SECTION 1.02 TITLE:

This Ordinance shall be known and may be cited and referred to as the "Wilsonville, Oregon, Zoning Ordinance".

SECTION 1.03 INTERPRETATION:

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

ARTICLE 2. PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 2.01 OFFICIAL ZONING MAP:

The city is hereby divided into zones; as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, together with the date of the adoption of this ordinance.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by law.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time, be made or published, the Official Zoning Map, which shall be located in the Office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the city.

The perimeter boundaries of the Official Zoning Map and the City are intended to be conterminous to each other at all times. When any irregularities of the two perimeter boundaries are found, the zoning of the adjacent zoning district shall extend to the city limit.

ARTICLE 3. ZONES AND BOUNDARIES THEREOF

SECTION 3.01 ZONE DISTRICTS

The following Zone Districts are established by this Ordinance:

R-7 - Single Family Residential District

R-10 - Single Family Residential District

R-20 - Single Family Residential District

C-1 - Limited Commercial District

C-2 - Light Commercial District

I-1 - Industrial Park District

I-2 - Light Industrial District

RA-1 - Rural Agriculture District

MR-1 - Multi-Family Residential District

PDR - Planned Development Regulation (See Article 16)

PC&I - Planned Commercial & Industrial Districts (See Article 17)

SECTION 3.02 DISTRICT BOUNDARY LINES:

Except where reference is made on said map to a street line, political boundary, or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the adoption of this Ordinance.

Questions concerning the exact location of district boundary lines shall be determined by the Planning Commission.

Whenever any street, alley or public way is vacated by official action as provided by law, the districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

ARTICLE 4 DEFINITIONS

SECTION 4.01 DEFINITIONS:

For the purpose of this Ordinance, the following terms are hereby defined: When not inconsistent with the context, all words used in the present tense include the future. The word "Lot" includes parcel and plot. The word "structure" includes building. The word "occupy" includes premises designed or intended to be occupied. The word "use" includes designed or intended to be used. The word "person" may mean persons, association, "firm", "co-partnership", or corporation". The word "shall" is always mandatory. All other words shall have the following respective meanings:

ACCESSORY BUILDING OR USE: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.

ADJOINING: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.

ALLEY: A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

ALTERATION, STRUCTURAL: Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

BASEMENT: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining ground.

BOARDING HOUSE: A building or premises not lodging more than three (3) people for compensation and/or, where meals are offered for compensation for three (3) or more persons, but not more than nine (9) persons. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment sleeping four (4) or more people shall be deemed a hotel.

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

BUILDING OR STRUCTURAL HEIGHT: The term height of building shall be deemed to mean the perpendicular distance from the average elevation of the adjoining ground to the highest point of the coring of a flat roof or to the deck line of a mansard roof or to the middle height gable between the eaves and ridge of a pitch or hip roof. If a building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

BUILDING LINE: A line that is adjacent to the front side of the main building parallel to the front lot line.

DWELLING: A building designed for residential occupancy, but not a house trailer.

DWELLING, MULTI-FAMILY: A building designed to house three (3) or more families, whether related to each other or not.

DWELLING, SINGLE-FAMILY: A detached building designed for and occupied exclusively by one family and the household employees of that family, but not a trailer house.

DWELLING, TWO-FAMILY: A building designed to house two (2) families, whether related to each other or not.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family, but not a trailer house.

FAMILY: One or two persons with their direct descendants and adopted children (and including domestic employees thereof) together with not more than five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered a separate family.

FLOOR AREA: The plan area of the building, exclusive of porches and exterior stairs, multiplied by the number of stories.

FRONTAGE: All the property abutting a street.

HOME OCCUPATION: 'Home Occupation' means an occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place, provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises and there is no display of merchandise on the premises which can be seen from the exterior of the dwelling, and any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of containing structure.

HOSPITAL, ANIMAL: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

HOTEL: A building which is designed or used to offer lodging, with or without meals, for compensation, for four (4) or more people.

KENNEL: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.

LOT: A parcel of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT COVERAGE: The area of a lot covered by a building or

buildings expressed as a percentage of the total lot area.

LOT DEPTH: The "lot depth" is the mean average distance between the front lot line and rear lot line of a lot measured within the lot boundaries.

LOT, KEY: A lot, the side line of which abuts the rear line of one or more adjoining lots.

LOT LINE, REAR: Any boundary line opposite and most distant from a front line and not intersecting a front lot line, exception in the case of a corner lot.

LOT LINE, SIDE: Any boundary line not a front or rear lot line.

LOT, THROUGH: Any lot, except a corner lot, that abuts two or more streets.

LOT WIDTH: The "lot width" is the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

NON-CONFORMING USE: A legally established building, structure or use, which was established prior to the adoption of this Ordinance and which does not conform in its construction, area, yard requirements, height, or use, to the regulations of the district in which it is located.

PARKING SPACE: Space with a minimum of ten (10) feet in width and twenty (20) feet in length, having access to a public street, used or to be used for the parking of vehicles.

PREMISES: A lot with or without buildings.

PROFESSIONAL-TYPE SERVICES: A "professional-type service" shall include activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate and insurance sales.

ROOMING HOUSE: Same as Boarding House.

SIGHT-OBSCURING PLANTING: A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach a height of at least six (6) feet within thirty (30) months after planting.

SIGN AREA: For the purposes of this section, the area of a detached sign or structure or of any sign or structure not utilizing an integral part of the building for its background shall mean the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign or structure, including tubing used in lighting such sign or structure but excluding supporting posts without attached lighting. The area of any sign or structure utilizing an integral part of the building as a background shall mean the area within the shortest line drawn to include all letters, designs, and tubing which are a part of said sign or structure.

SCHOOL, COMMERCIAL: A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

SCHOOL, PRIVATE: Includes private kindergardens, nurseries, and play schools.

SCREENING: Sight-obscuring fence, or sight-obscuring planting.

STORY: That portion of a building included between a floor and the ceiling next above it, exclusive of a basement.

STREET: The entire right-of-way of a dedicated public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, and other such terms.

STREET, FRONTAGE: A street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

MOBILE HOME COURT OR PARK: Any tract or parcel of land upon which two or more trailers, camp cabins, house cars, or other mobile homes are located; or trailer or camp sites are provided for the purpose of either temporary or permanent habitation.

MOBILE HOMES: A vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation, including trailer coach and house trailer.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.

YARD: The open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.

YARD, FRONT: Any yard abutting a street.

YARD, REAR: Any yard abutting a rear lot line.

YARD, SIDE: Any yard abutting a side lot line.

ARTICLE 5 ZONES

SECTION 5.01 R-7 SINGLE FAMILY RESIDENTIAL DISTRICT:

1. PURPOSE:

A.....The purpose of this district is to provide and protect residential land for families who desire to live in an environment of single-family dwellings on minimum sized lots.

2. PRINCIPAL USES PERMITTED:

A.....One Single-family dwelling unit per lot.

B.....Public parks, playgrounds, recreational and community buildings and grounds, public golf course, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building, swimming pool or use, shall be located not less than 45 feet from any other lot in the residential district.

3. ACCESSORY USES PERMITTED:

A.....Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.

B.....Living quarter for persons employed on the premises or of guests, without kitchen facilities, which are not rented or otherwise used as a separate dwelling.

C.....Home occupations.

D.....A private garage or parking area.

E.....Keeping of not more than two roomers or boarders by a resident family.

F.....Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Section 6.02.

G.....Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

H.....Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half of the side yard setback is required.

I.....Livestock and farm animals shall be permitted, subject to the provisions of Section 6.03.

4. CONDITIONAL USES PERMITTED:

A.....Homes for the Aged, Nursing Homes, Private Parks, Municipal and Government Buildings, Public Utilities, Cemeteries, Churches, Public, Private and Parochial Schools when approved by the Planning Commission at a Public Hearing as provided in Section 12.01.

5. DIMENSIONAL STANDARDS:

A.....Minimum lot size: 7,000 square feet for all principal uses.

B.....Minimum width at building line: Sixty (60) feet.

C.....Minimum street frontage: Fifty (50) feet; however street frontage may be reduced to thirty-five (35) feet when the lot fronts on a cul-de-sac.

D.....Minimum lot depth: Eighty-five (85) feet.

E.....Minimum front yard setback: Twenty (20) feet. In the case of a corner lot less than one hundred (100) feet in width abutting more than one street, the side yard on the road side of such lot shall be not less than 20 percent of the width of the lot, but not less than ten (10) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot. In the case of a key lot the front setback shall equal one-half the sum of the depth of the required yard on the adjacent corner lot along the street upon which the key lot faces and the setback required on the adjacent interior lot. No structure shall be erected closer than fifty-five (55) feet from the centerline of any public, county, or state road.

F.....Minimum rear yard setback: Twenty (20) feet.

G.....Minimum side yard setback: Five (5) feet.

H.....Maximum building height: 2 1/2 stories or thirty-five (35) feet.

I.....Maximum lot coverage: 25 percent for all dwelling units; 30 percent for all buildings.

6. OFF-STREET PARKING REQUIREMENTS:

A.....One (1) off-street parking space located to the rear of the front yard setback line shall be provided for each dwelling unit.

B.....Off-street parking for other permitted uses as specified in the special provisions Section 6.01.

7. SIGNS:

A.....As provided in Section 6.02.

8. FENCES AND PLANTINGS:

A.....The maximum height of a sight-obscuring fence or planting located in the front yard of a residential lot shall not exceed four (4) feet.

B.....The maximum height of a sight-obscuring fence or planting located in the side yard of a residential lot shall not exceed four (4) feet in height forward of the building line with the greatest setback on that lot or the adjoining residential lot.

9. CORNER VISION:

A.....Corner lots shall have no sight-obscuring structures or plantings exceeding three (3) feet in height, located closer than twenty (20) feet from the lot corner nearest the street corner.

10. PROHIBITED USES:

A.....Uses of structures or land not specifically permitted in Section 5.01 are prohibited in all R-7 Districts.

B.....The use of a trailer house as a residence when not located in a licensed trailer park.

C.....Outdoor advertising displays, advertising signs or advertising structures except as provided in Section 6.02.

SECTION 5.015 R-10 SINGLE FAMILY RESIDENTIAL DISTRICT:

1. PURPOSE:

A.....The purpose of this district is to provide and protect residential land for families who desire low density urban areas and want to live in an environment of single-family dwellings.

2. PRINCIPAL USES PERMITTED:

A.....One Single-family dwelling unit per lot.

B.....Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or swimming pool shall be located not less than forty-five (45) feet from any other lot in the residential district.

3. ACCESSORY USES PERMITTED:

A.....Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.

B.....Living quarters of persons employed on the premises or of guests, without kitchen facilities, which are not rented or otherwise used as a separate dwelling.

C.....Home occupations.

D.....A private garage or parking area.

E.....Keeping of not more than two roomers or boarders by a resident family.

F.....Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Section 6.02.

G.....Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

H.....Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half of the side yard setback is required.

I.....Livestock and farm animals shall be permitted, subject to the provisions of Section 6.03.

4. CONDITIONAL USES PERMITTED:

A.....Homes for the Aged, Nursing Homes, Private Parks, Municipal and Governmental Buildings, Public Utilities, Cemeteries, Churches, Two-Family Dwellings, Public Schools, and Private and Parochial Schools offering curricula dissimilar to Public Schools, as provided in Article 8, only when approved by the Planning Commission.

5. TRANSITIONAL USES PERMITTED:

A.....The following transitional uses may be permitted in a transitional area when authorized by the Planning Commission where a lot abuts a commercial or industrial district, provided such uses meet the minimum requirements of the R-10 District.

1.....Multi-family dwelling units not to exceed four (4) units.

2.....Medical and/or dental clinics, and professional type offices.

3.....Off-street parking facilities.

4.....Boarding or rooming houses.

5.....Accessory buildings customarily incidental to the transitional uses.

6. DIMENSIONAL STANDARDS:

A.....Minimum lot size: 10,000 square feet for all principal and transitional uses unless otherwise specified below.

1.....Medical and/or dental clinics, and professional type offices: 15,000 square feet.

B.....Minimum width at building line: Seventy (70) feet.

C.....Minimum street frontage: Sixty (60) feet; however, no street frontage is required when the lot fronts on an approved, platted private road.

D.....Minimum lot depth: Ninety-five (95) feet.

E.....Minimum front yard setback: Twenty-five (25) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. No structure shall be erected closer than fifty (50) feet from the centerline of any public, county, or state road.

F.....Minimum rear yard setback: Twenty-five (25) feet.

G.....Minimum side yard setback: Seven (7) feet.

H.....Maximum building height: 2 1/2 stories or thirty-five (35) feet.

I.....Maximum lot coverage: 25 percent for all dwelling units, 30 percent for all buildings.

7. OFF-STREET PARKING REQUIREMENTS:

- A.....One (1) off-street parking space located to the rear of the front yard setback line shall be provided for each dwelling unit.
- B.....Off-street parking for other permitted uses as specified in the special provisions Section 6.01.

8. SIGNS:

- A.....As provided in Section 6.02.

9. FENCES AND PLANTINGS:

- A.....The maximum height of a sight-obscuring fence or planting located in the front yard of a residential lot shall not exceed four (4) feet.
- B.....The maximum height of a sight-obscuring fence or planting located in the side yard of a residential lot shall not exceed four (4) feet in height forward of the building line with the greatest setback on the lot or the adjoining residential lot.
- C.....Screening may be required by the Planning Commission for any specified transitional use which is adjacent to any zoned residential lot.

10. CORNER VISION:

- A.....Corner lots shall have no sight-obstructing structures or plantings to exceed three (3) feet in height, located closer than twenty (20) feet from the lot corner nearest the street corner.

11. PROHIBITED USES:

- A.....Uses of structures and land not specifically permitted in Section 5.015 are prohibited in all R-10 Districts.
- B.....The use of a trailer house as a residence when not located in a licensed trailer park.
- C.....Outdoor advertising displays, advertising signs or advertising structures except as provided in Section 6.02.

C.....Service Stations, subject to the provisions of Section 6.13 of this Ordinance.

D.....Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as the above permitted retail business or service uses, but not including any use which is first permitted in the C-2 District, and which, in the judgment of the Planning Commission, would likely be objectionable in the C-1 District.

3. ACCESSORY USES:

A.....Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

B.....Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.

4. CONDITIONAL USES PERMITTED:

A.....Homes for the Aged, Nursing Homes, Private Parks, Municipal and Government Buildings, Churches, and Trailer Parks, as provided in Article 8, only when approved by the Planning Commission.

5. GENERAL REQUIRED CONDITIONS:

A.....All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off-street parking and off-street loading.

B.....In any Limited Commercial District fronting directly across the street from any Residential District the loading facilities shall be at least twenty (20) feet from the street.

C.....Goods for sale shall consist primarily of new merchandise, antiques excepted.

D.....All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

E.....Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable as determined by the Planning Commission by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

6. DIMENSIONAL STANDARDS:

A.....Existing Commercial Districts.

1.....No structure shall be erected closer than

thirty (30) feet from the centerline of any public, county, or state road.

2.....Minimum Front Yard Setback: None required except when front yard abuts a more restrictive district. When front yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.

3.....Minimum Rear Yard Setback: None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.

4.....Minimum Side Yard Setback: None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be one and one-half (1 1/2) times the setback required for the abutting district.

5.....Maximum Building Height: 2 1/2 stories or thirty-five (35) feet.

6.....Maximum Lot Coverage: No Limitation.

7.....Minimum Lot Size: No Limitation.

7. OFF-STREET PARKING AND LOADING:

A.....As provided in Section 6.01.

8. SIGNS:

A.....As provided in Section 6.02

9. PROHIBITED USES:

A.....Uses of structures and land not specifically permitted in Section 5.029 are prohibited in all C-1 Districts.

B.....The use of a trailer house as a residence when not located in a licensed trailer park.

SECTION 5.03 C-2 COMMUNITY COMMERCIAL DISTRICT:

1. PURPOSE:

A.....The purpose of this section is to permit and encourage the establishment of community shopping centers serving most of the occasional retail and specialty shopping needs of persons living at considerable distance from such centers.

2. PRINCIPAL USES PERMITTED:

A.....All principal uses permitted in a Limited Commercial District (C-1).

B.....The following categories of uses, retail good and services.

Art Supplies, retail sales only
Automobiles, New and Used retail sales only
Banks, Building and Loan Associations, Loan Companies
Boats (pleasure type), retail sales, service, and supplies
Building Supplies, retail only. Open storage enclosed by sight-obscuring fence of at least six (6) feet in height
Business Machines, retail sales and service only
Bus Stations
Cabinet Shops, retail only. Permitted only if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings and shall not be located closer than fifty (50) feet from a Residential District.
Churches
Cleaning and Pressing Establishments
Commercial Schools such as Business Colleges
Department Stores, retail only
Electric Service Shops
Feed Stores, retail only. Permitted only if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings.
Funeral Parlors
Furniture Stores, retail only
Garages, Parking and Repair, only if the firms' primary activity is not body and fender work, painting, upholstering, repairing of wrecked vehicles, or salvaging parts. Lubrication, washing, repair, and servicing; tube and tire repairing, battery service, incidental body and fender, painting, upholstering work; storage of materials and merchandise shall be confined, contained, and conducted wholly within completely enclosed buildings.
Greenhouses and Nurseries.
Gunsmiths and Locksmiths
Heating and Air Conditioning Establishments, retail sales and service.
Household Appliance Establishments, retail sales and service.
Interior Decorating Shops, retail sales

Laundries and Self-Service Laundries
 Motels
 Motorcycle Shops, retail sales and repair
 Music Shops
 Municipal and Government Buildings
 Optometry and Optical Establishments, retail sales and service
 Pet Shops, not including kennels or animal hospital
 Physical Culture and Health Services, including reducing salons, and public baths.
 Plumbing Shops, retail sales and service.
 Printing Shops
 Private Parks
 Radio and Television Studios
 Restaurants, Cafes, or Drive-In Restaurants, Patron parking area for Drive-In's shall conform to off-street parking regulations. Permitted only if all activities and operations (except off-street parking and loading) area confined, contained, and conducted wholly within completely enclosed buildings.
 Second Hand Stores, retail only. Permitted only if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings.
 Service Recreational Uses. Uses as classified in Section 8.03.
 Small Power Equipment Establishment, repairs and retail sales.
 Sign Shops, Permitted only if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings.
 Sporting Good Stores, retail only
 Taverns, Bars, Cocktail Lounges. Permitted only if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings and shall not be located closer than one hundred (100) feet from a Residential District.
 Theaters, indoor type, or Assembly Halls
 Upholstering Shops, Permitted only if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings.

C.....Offices and Showrooms of wholesale establishments. Merchandise on the premises shall be limited to samples only.

D.....Any other retail business or service establishment or use which is determined by the Planning Commission to be of the same general character as the above permitted uses.

3. ACCESSORY USES:

A.....Any accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.

B.....Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

4. CONDITIONAL USES PERMITTED:

A.....Homes for the aged, Nursing Homes, and Trailer Parks, as provided in Article 8 when approved by the Planning Commission at a public hearing as provided in Section 12.01.

5. GENERAL REQUIRED CONDITIONS:

A.....In any C-2 District fronting directly across the street from any residential district, the loading facilities shall be at least twenty (20) feet from the established street right-of-way.

B.....All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

C.....Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried wastes.

D.....Corner lots shall have no sight-obscuring planting or structures to exceed three (3) feet in height, located closer than ten (10) feet from the lot corner nearest the street corner.

E.....Trailer houses or altered trailers shall not be used for the purpose of conducting a trade or calling or for storage of material.

6. DIMENSIONAL STANDARDS:

A.....Commercial Districts.

1.....No structure shall be erected closer than thirty (30) feet from the centerline of any public, county, or state road.

2.....Minimum Front Yard Setback: None required except when front yard abuts a more restrictive district. When front yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.

3.....Minimum Rear Yard Setback: None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.

4.....Minimum Side Yard Setback: None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be one and one-half (1 1/2) times the setback required for the abutting district.

5.....Maximum Building Height: 3 stories or forty (40) feet.

6.....Minimum Lot Size: No limitation.

7.....Maximum Lot Coverage: No limitation.

8.....Minimum Street Frontage: No limitation.

B.....Motels

- 1.....Minimum Lot Size: 1,000 square feet for each unit.
- 2.....Minimum street frontage: 100 feet
- 3.....Front Yard Setback: 30 feet. Structures on corner lots shall observe the minimum setback on both streets.
- 4.....Minimum Rear Yard Setback: 30 feet.
- 5.....Minimum Side Yard Setback: 24 feet.

7. OFF-STREET PARKING:

- A.....Provided in Section 6.01.

8. SIGNS:

- A.....As provided in Section 6.02.

9. PROHIBITED USES:

- A.....The use of a trailer house as a residence when not located in a licensed trailer park.

SECTION 5.04 I-1 INDUSTRIAL PARK DISTRICT:

1. PURPOSE:

A.....The purpose of this district is to provide an area for those industries that may desire sites other than the ordinary industrial surroundings. These industries because of their manufacturing processes, landscaped grounds and design of buildings may prefer a planned and controlled industrial park atmosphere.

2. PRINCIPAL USES PERMITTED:

A.....Laboratories, storage buildings, warehouses cold storage plants.

B.....Assembly of electrical appliances, instruments and devices, radios, and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.

C.....The manufacturing, compounding, processing, packaging, or treatment of such products as bakery goods, candy, dairy, products, cosmetics, drugs, perfumes, toiletries, soft drinks, and food products; excluding fish and meat products, sauerkraut, vinegar, yeast, or the rendering or refining of fats and oils.

D.....Private and vocational schools.

E.....Any other use that is permitted in the I-2 District in Section 5.05, 2, A, B, C, D, and E.

3. ACCESSORY USES:

A.....Accessory uses and structures, not otherwise prohibited and which are customarily accessory and incidental to any permitted principal use.

B.....Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

4. GENERAL REQUIRED CONDITIONS:

A.....All uses and operations except storage, off-street parking, loading and unloading shall be confined and contained, and conducted wholly within completely enclosed buildings.

B.....Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.

C.....Emission of odorous gasses or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.

D.....Heat and Glare:

- 1.....Operations producing heat or glare shall be conducted entirely within an enclosed building.
- 2.....Exterior lighting shall be directed away from adjacent properties.

E.....Liquid and Solid Wastes:

- 1.....Storage of animal or vegetable wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.
- 2.....Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting.
- 3.....No connection with any public sewer shall be made or maintained in such manner that there may be conveyed to or created in the sewer any hot, suffocating, corrosive, flammable, poisonous, or explosive liquid, gas, vapor, substance, or material of any kind that would be dangerous or detrimental to the function of the sewerage system and treatment facilities as determined by the State Sanitary Authority.
- 4.....No wastes conveyed to or permitted, caused to enter, or allowed to flow into any public sewer shall contain any materials which may contain or create deposits obstructing the flow in and through the sewer.
- 5.....All drainage permitted to discharge into a street gutter or permitted, caused to enter, or allowed to flow into any pond, lake, estuary, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the Clackamas County Health Department and State Board of Health.

F.....Noise:

- 1.....Noise generated by the permitted use, with the exception of traffic noises from automobiles, trucks, and trains, shall not be intense enough at the property line as to be determined objectionable by the Planning Commission.

G.....Discharge Standards:

1.....Smoke:

- a.....There shall be no emission of smoke, fallout, fly ash, dust, vapor, gasses, or other forms of air pollution that may cause nuisance or injury to human, plant, or animal life, or to property. Plans

SECTION 5.02 R-20 SINGLE FAMILY RESIDENTIAL DISTRICT:

1. PURPOSE:

A.....The purpose of this zone is to provide and reserve residential land for families who desire to live in low density suburban areas where homes on lots of substantial size are available for activities of children, for gardening, and family recreation.

2. PRINCIPAL USES PERMITTED:

A.....One single-family dwelling unit per lot.

B.....Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or swimming pool shall be located not less than forty-five (45) feet from any other lot in the residential district.

3. ACCESSORY USES PERMITTED:

A.....Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.

B.....Living quarters of persons employed on the premises or of guests, without kitchen facilities, which are not rented or otherwise used as a separate dwelling.

C.....Home occupations.

D.....A private garage or parking area.

E.....Keeping of not more than two roomers or boarders by a resident family.

F.....Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Section 6.02.

G.....Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

H.....Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half of the side yard setback is required.

I.....Livestock and farm animals shall be permitted, subject to the provisions of Section 6.03.

4. CONDITIONAL USES PERMITTED:

A.....Homes for the Aged, Nursing Homes, Private Parks, Municipal and Government Buildings, Public Utilities, Cemeteries, Churches, Public, Private and Parochial Schools when approved by the Planning Commission at a public hearing as provided in Section 12.01.

5. DIMENSIONAL STANDARDS:

A.....Minimum lot size: 20,000 square feet for all principal uses unless otherwise specified below.

B.....Minimum width at building line: Eighty (80) feet.

C.....Minimum street frontage: Eighty (80) feet; however, street frontage may be reduced to thirty-five (35) feet when the lot fronts on a cul-de-sac.

D.....Minimum lot depth: One hundred (100) feet.

E.....Minimum front yard setback: Thirty (30) feet. In the case of a corner lot less than one hundred (100) feet in width abutting more than one street, the side yard on the road side of such lot shall be not less than 20 percent of the width of the lot, but not less than ten (10) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot. In the case of a key lot the front setback shall equal one-half the sum of the depth of the required yard on the adjacent corner lot along the street upon which the key lot faces and the setback required on the adjacent interior lot. No structure shall be erected closer than fifty-five (55) feet from the centerline of any public, county, or state road.

F.....Minimum rear yard setback: Thirty (30) feet.

G.....Minimum side yard setback: Ten (10) feet.

H.....Maximum building or structure height: 2 1/2 stories or thirty-five (35) feet.

I.....Maximum lot coverage: 20 percent for all residential dwelling units: 25 percent for all buildings.

6. OFF-STREET PARKING REQUIREMENTS:

A.....One (1) off-street parking space located to the rear of the front yard setback line shall be provided for each dwelling unit.

B.....Off-street parking for other permitted uses as specified in the provisions of Section 6.01.

7. SIGNS:

A.....As provided in Section 6.02.

SECTION 5.029 C-1 LIMITED COMMERCIAL DISTRICT:

1. PURPOSE:

A.....The purpose of this section is to permit the establishment, in close proximity to residences, of neighborhood shopping centers, which serve the usual day-to-day, convenience shopping and personal service needs of occupants of such residences, and thus to serve a population and a trade area somewhat less than that served by a Light Commercial District. Such a shopping center may also serve rural trade areas, but would not include all of the elements of a typical rural trade center, which normally includes other types of goods and services, such as machinery sales and repair, and feed, fertilizer and grain storage and sales. The primary intent of this section is to encourage the development of new, well-planned shopping areas. However, provision is made for the maintenance and expansion of existing areas where they are properly located to serve trade areas.

2. PRINCIPAL USES PERMITTED:

A.....All principal uses permitted in R-7, Single Family Residential District and MR-1, Multi-Family District.

B.....Retail business or service establishments:

Art Stores
Bakeries, retail
Barber Shops
Beauty Shops
Book Stores
Cafes, not selling beer or alcoholic beverages
Clothes Pressing Shops
Confectionary Stores
Custom Dressmaking Shops
Delicatessen Stores
Drug Stores
Dry Goods Stores
Florist Shops
Food Lockers
Garden Supply Stores
Gift Shops
Grocery, Fruit or Vegetable Stores
Hardware Stores
Jewelry Stores
Laundry Agencies
Meat Markets
Millinery Shops
Music Shops
Motels
Music Shops
Offices, Business or Professional; and Clinics
Photography Studios and Shops
Radio and Television Repair Shops
Restaurants
Shoe Repair and Sales Shops
Stationery Stores
Studios
Tailor Shops
Variety Stores
Wearing Apparel Shops

of construction and operation shall be subject to the recommendations and regulations of the Oregon State Air Pollution Authority.

b.....No person shall cause or allow to be emitted into the open air from any fuel burning equipment, internal, combustion engine, premises or open fire, smoke the shade or appearance of which is equal to or darker than No. 1 of the Ringelmann Chart excepting:

1.....Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart, for a period or periods aggregating not more than three minutes in any hours;

2.....Smoke the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating not more than six minutes in any hour, when building a new fire;

3.....Smoke when breakdown of equipment occurs or other unusual circumstances such as to make it evident that the emission was not reasonably preventable.

c.....For the purpose of grading the density of smoke discharged, the Ringelmann Chart as published by the U. S. Bureau of Mines will be used as the standard. Instruments which are equivalent to the Ringelmann Chart method may also be used.

2.....Particle Fallout Rate:

a.....The particle fallout rate shall not exceed the normal background value by more than 30 grams per hour per acre of land devoted to the operation.

3.....Suspended Particulate Matter:

a.....The suspended particulate concentration shall not exceed 150 micrograms per cubic meter more than the normal background value at representative sampling stations.

4.....Chemical Substance:

a.....The suspended particulate concentration of lime dust as (CaO) shall not exceed 10 micrograms per cubic meter above the normal background value.

5.....All measurements of air pollution shall be by the procedures and with equipment approved by the State Air Pollution Authority or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

6.....Open Burning is prohibited.

H.....Outdoor Storage:

1.....Outdoor storage must be maintained in an orderly manner at all times.

2.....Storage area shall be gravel surface or better.

3.....Any open storage visible at the property line which abuts any other zoning district other than an I-2 District, exclusive of intervening street widths, shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.

4.....Unused property for expansion or other future use in the district shall be maintained in grass or other suitable ground cover in an uncluttered manner, as determined by the Planning Commission.

5.....Responsibility for establishment and continued maintenance of landscaping rests with the industrial property owner.

5. DIMENSIONAL STANDARDS:

A.....Minimum Individual Lot Size within the I-1 District: Three (3) acres, subject to the review of the Planning Commission.

B.....Minimum width and depth: One hundred sixty (160) feet.

C.....Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. No structure shall be erected closer than sixty (60) feet from the centerline of any public, county, or state road.

D.....Rear and Side Yard Setback: Fifty (50) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. No structure shall be erected closer than eighty (80) feet from the centerline of any public, county, or state road.

E.....No setback required when side or rear yards abut on a railroad right-of-way.

F.....Corner Vision: Corner lots shall have no sight obstruction to exceed three (3) feet in height located closer than twenty (20) feet from the lot corner.

6. OFF-STREET PARKING AND LOADING:

A.....As provided in Section 6.01.

7. SIGNS:

A.....As provided in Section 6.02.

SECTION 5.05 I-2 LIGHT INDUSTRIAL DISTRICT:

1. PURPOSE:

A.....The purpose of this section is to provide a sufficient amount of land for types of manufacturing or other industries which, because of their characteristics, can be permitted in relatively close proximity to residential and commercial districts; or which, because of the special nature of their products or processes, require locations remote from air pollution or other characteristics of certain other types of industries.

2. PRINCIPAL USES PERMITTED:

A.....Except for uses and processes listed and specifically prohibited herein, the manufacturing, compounding, processing, packaging, and assembling of products such as:

- Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; excluding fish or meat products, sauerkraut, vinegar, yeast, and rendering or refining of fats or oils.
- Electric and neon signs, billboards, and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves.
- Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- Musical instruments, toys, novelties,; Rubber or metal stamps and other small rubber products.
- Optical goods, scientific and precision instruments.
- Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
- Products from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (except where presses over twenty-five (25) tons rated capacity are employed) shell textiles, tobacco, wax, wood, (except where saw and planing mills are employed), yarns.
- Spinning and knitting of cotton, wool, flax, or other fibre materials.
- Storage and sale of grain, livestock feed or fuel, provided dust is effectively controlled.

B.....Experimental, film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, and/or noxious or offensive conditions.

C.....Wholesale houses, storage, and warehouses.

D.....Veterinary or animal hospital; provided that any structures or any portion of the premises used is located at least fifty (50) feet from any Residential District.

E.....The following uses, provided no part of a building occupied by such use shall have an opening other than

stationary windows or required fire exits within fifty (50) feet of any Residential District.

Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
Blacksmith, welding or other metal working shops, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other machine-operated tools, producing excessive noises as determined at the property line by the Planning Commission.

Foundaries, casting lightweight non-ferrous metals, or electric foundaries not causing noxious fumes or odors.

Ice Manufacturing and cold storage plants, creamery and bottling plants, and distribution stations.
Inflammable liquids, underground storage only.

F.....Similar Industrial uses as determined by the Planning Commission.

G.....Fertilizer, storage or distribution.

H.....Service stations.

I.....Commercial uses that serve the local needs of industrial area.

3. ACCESSORY USES:

A.....Other uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in the I-2 District.

B.....Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.

4. CONDITIONAL USES PERMITTED:

A.....Parks, municipal and government buildings, public utilities, auto wrecking yards, quarries, dumps (sanitary land fills) when approved by the Planning Commission at a public hearing as provided in Section 12.01.

5. GENERAL REQUIRED CONDITIONS:

A.....All uses, except for storage, loading and unloading operations and parking, shall be wholly within a completely enclosed building.

B.....Any open storage visible at the property line which abuts a Residential District, exclusive of intervening street widths, shall be concealed from view at the said property line by a sight-obscuring fence or planting not less than six (6) feet in height.

C.....No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred

(100) feet of any Residential District and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any Residential District.

D.....Liquid and Solid Wastes:

1.....Storage of animal or vegetable wastes shall be prohibited which would attract insects or rodents or otherwise create a health hazard.

E.....Discharge Standards:

1.....Smoke:

a.....There shall be no emission of smoke, fallout, fly ash, dust, vapor, gasses, or other forms of air pollution that may cause nuisance or injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the Oregon State Air Pollution Authority.

b.....No person shall cause or allow to be emitted into the open air from any fuel burning equipment, internal, combustion engine, premises or open fire, smoke the shade or appearance of which is equal to or darker than No. 1 of the Ringelmann Chart excepting:

1.....Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart, for a period or periods aggregating not more than three minutes in any hours;

2.....Smoke the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating not more than six minutes in any hours, when building a new fire;

3.....Smoke when breakdown of equipment occurs or other unusual circumstance such as to make it evident that the emission was not reasonably preventable.

c.....For the purpose of grading the density of smoke discharged, the Ringelmann Chart as published by the U. S. Bureau of Mines will be used as the standard. Instruments which are equivalent to the Ringelmann Chart method may also be used.

2.....Particle Fallout Rate:

a.....The particle fallout rate shall not exceed the normal background value by more than 60 grams per hour per acre of land devoted to the operation.

3.....Suspended Particulate Matter:

a.....The suspended particulate concentration shall not exceed 200 micrograms per cubic meter more than the normal background value at representative sampling stations.

4.....Chemical Substances:

a.....The suspended particulate concentration of lime dust as (CaO) shall not exceed 10 micrograms per cubic meter above the normal background value.

5.....All measurements of air pollution shall be by the procedures and with equipment approved by the State Air Pollution Authority or equivalent and acceptable methods of measurement approved by the city. Persons responsible for a suspected source of air pollution upon the request of the city shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

6.....Open Burning is prohibited.

F.....Artificially illuminated signs shall not face an adjoining Residential District.

6. DIMENSIONAL STANDARDS:

A.....Minimum street frontage: Fifty (50) feet.

B.....Minimum width at the building line and lot depth: One hundred (100) feet.

C.....Minimum Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. No structure shall be erected closer than forty-five (45) feet from the centerline of any public, county or state road.

D.....Minimum Rear Yard Setback: Ten (10) feet when abutting any Commercial District; thirty (30) feet when abutting any Residential District.

1.....An additional five (5) feet of rear yard setback shall be required for each additional story over three (3) stories in height.

2.....No setback required when rear yards abut on a railroad right-of-way.

E.....Minimum Side Yard Setback: Ten (10) feet when abutting any Commercial District; thirty-five (35) feet when abutting a Residential District.

1.....An additional five (5) feet of side yard setback shall be required for each additional story over three (3) stories in height.

2.....No setback required when side yards abut on a railroad-right-of-way.

F.....Maximum building height: No limitation.

1.....An additional five (5) feet of side and rear yard setback shall be required for each additional story over three (3) stories in height.

G.....Maximum lot coverage: No limitation.

H.....Corner Vision: Corner lots shall have no sight-obstruction exceeding three (3) feet in height, located closer than twenty (20) feet from the lot corner to the nearest street corner.

7. OFF-STREET PARKING:

A.....As provided in Section 6.01.

8. SIGNS:

A.....As provided in Section 6.02.

SECTION 5.06 RA-1 RURAL AGRICULTURAL DISTRICT:

1. PURPOSE:

A.....The purpose of this district is to provide and protect areas for agriculture, and for the raising of livestock.

2. PRINCIPAL USES PERMITTED:

A.....Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the raising of livestock and animals.

B.....Dwellings for the owner, operator and/or help required to carry out the permitted activities.

C.....One Single-Family dwelling unit per lot.

D.....Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or swimming pool shall be located not less than forty-five (45) feet from any other lot in the residential district.

E.....Kennels, provided that the use and that portion of the premises used is located not less than two hundred (200) feet from any residence other than the residence of the owner or operator.

3. ACCESSORY USES PERMITTED:

A.....Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.

B.....Home occupations.

C.....Roadside stands when located on the same property as the principal use permitted when selling only those products that are produced on the same property on which the stand is located.

D.....Signs advertising produce that is grown on the same property on which the sign is located, and when the sign is not over thirty (30) square feet in area.

4. CONDITIONAL USES PERMITTED:

A.....Home for the Aged, Nursing Homes, Private Parks, Municipal and Government Buildings, Public Utilities, Cometeries, Churches, Two-Family Dwellings, Public, Private, and Parochial Schools, Quarries, Dumps and Trailer Parks, as provided in Article 8, when approved by the Planning Commission at a public hearing as provided in Section 12.01.

5. DIMENSIONAL STANDARDS:

A.....Minimum Lot Size: One (1) Acre.

1.....Minimum Lot Size in an RA-1 District may change as follows when located within a public water or sanitary district with written approval of the County Health Department and proof of availability of the utility to the particular site.

a.....The size of an individual lot may be reduced to a minimum of 30,000 square feet.

b.....The size of lots within new subdivisions may be reduced to standards described within Section 5.02. (R-20); upon approval of said subdivision by the Planning Commission, Health Department, and Road Department. The development of said area within said subdivision shall thereafter follow the requirements of either the R-20 District upon final approval of said subdivision, and all appropriate standards shall be met.

B.....Minimum front and rear yard setbacks: Thirty (30) feet.

Minimum side yard setback: Ten (10) feet.

C.....Minimum street frontage: Seventy-five (75) feet.

6. OFF-STREET PARKING REQUIREMENTS:

A.....One (1) off-street parking space located to the rear of the front yard setback line shall be provided for each dwelling unit.

B.....Off-street parking for other permitted uses as specified in Section 6.01.

7. SIGNS:

A.....As provided in Section 6.02.

8. CORNER VISION:

A.....Corner lots shall have no sight-obscuring structures or plantings to exceed three (3) feet in height, located closer than twenty (20) feet from the lot corner nearest the street corner.

9. PROHIBITED USES:

A.....Uses of structures and land not specifically permitted in Section 4.6 are prohibited in all RA-1 Districts.

B.....Outdoor advertising displays, advertising signs, or advertising structures except as provided in Section 6.02.

C.....The use of a trailer house as a residence when not located in a licensed trailer park.

SECTION 5.07 MULTI-FAMILY RESIDENTIAL DISTRICT:

1. PURPOSE:

A.....The purpose of this district is to provide for the establishment of multi-family dwellings in the city.

2. PRINCIPAL USES PERMITTED:

A.....Multiple family use or dwellings for any number of persons, families, or housekeeping units.

B.....Lodging, boarding, and rooming houses for any number of guests, but not primarily for transients.

C.....Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-commercial nature, (provided that any principal building or swimming pool shall be located not less than thirty (30) feet from any other lot in the MR-1 District.)

D.....Municipal and government buildings.

E.....Telephone exchanges and public utility structures, without administrative office and without shops or garages.

F.....Private, non-commercial or non-profit recreational areas, use and facilities, including country clubs, swimming pools and golf courses, provided that any principal building or swimming pool shall be located not less than thirty (30) feet from any other lot in the MR-1 District.

3. ACCESSORY USES PERMITTED:

A.....Accessory uses, building and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.

B.....Home occupations.

C.....A private garage or parking area.

D.....Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

E.....Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half of the side yard setback is required.

F.....Livestock and farm animals shall be permitted, subject to the provisions of Section 6.03.

4. CONDITIONAL USES PERMITTED:

A.....Homes for the aged, nursing homes, private parks, cemeteries, churches, and trailer parks, public and private schools.

5. DIMENSIONAL STANDARDS:

A.....Minimum lot size: Seven thousand (7,000) square feet for all principal uses unless otherwise specified below.

1. Minimum lot size for multiple family dwelling units shall be as follows:

- a. Two (2) units: 8,000 square feet
- b. Three (3) units: 9,000 square feet
- c. Four (4) units: 12,000 square feet
- d. Five (5) units: 15,000 square feet
- e. Six (6) units: 18,000 square feet

- f. Seven (7) to ten (10) units: 21,500 square feet, plus 2,250 square feet for each unit over (7).

- g. Eleven (11) to twenty (20) units: 30,500 square feet, plus 2,000 square feet for each unit over eleven(11).

- h. Twenty-one (21) to thirty-seven (37) units: 50,500 square feet, plus 1,750 square feet for each unit over twenty-one (21).

- i. Thirty-eight (38) to sixty-three (63) units: 80,250 square feet, plus 1,500 square feet for each unit over thirty-eight (38).

- j. Sixty-four (64) and over: 119,250 square feet, plus 1,000 square feet for each unit over sixty-four (64).

B.....Minimum width at building line:

- 1.....Sixty (60) feet for one (1) story.
- 2.....An additional five (5) feet of width at building line shall be required for each story higher than one (1) story.

C.....Minimum street frontage:

- 1.....Fifty (50) feet for one (1) story.
- 2.....An additional five (5) feet of frontage shall be required for each story higher than one (1) story.

D.....Minimum lot depth:

- 1.....Eighty (80) feet for one (1) story.
- 2.....An additional five (5) feet of lot depth shall be required for each story.

E.....Minimum front yard setback: Twenty-five (25) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. No

structures shall be erected closer than fifty (50) feet from the center line of any public, county, or state road.

F.....Minimum rear yard setback: Twenty-five (25) feet.

G.....Minimum side yard setback:

1.....One (1) story: Five (5) feet.

2.....Two (2) stories: Seven (7) feet.

3.....Three (3) stories: Eleven (11) feet.

4.....An additional five (5) feet of side yard shall be required for each story higher than three (3) stories.

6. OFF-STREET PARKING:

A.....Two (2) spaces per dwelling unit to be provided behind the front setback line.

7. SIGNS:

A.....As provided in Section 6.02.

8. PROHIBITED USES:

A.....Uses of structures and land not specifically permitted in Section 5.07 shall be prohibited.

B.....The use of a trailer house as a residence when not located in a licensed trailer park.

ARTICLE 6 GENERAL REGULATIONS

SECTION 6.01 OFF-STREET PARKING REGULATIONS:

1. GENERAL PROVISIONS:

- A.....The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. When any parking area for the parking of three (3) or more cars is to be established, the standards set forth herein shall be complied with.
- B.....No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Commission.
- C.....In cases of enlargement of a building or use existing on the effective date of this Ordinance, the number of parking spaces required shall be based only on the floor area or capacity of the previously existing building or use. At least the same number of parking spaces that were established for the previously existing building or use must be provided if enlargement occurs any of the previously existing parking area.
- D.....In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
- E.....Owners of two or more uses, structures, and parcels of land may utilize jointly the same parking area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.
- F.....Off-street parking spaces existing prior to the effective date of this Ordinance may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are accessory.
- G.....The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.
- H.....Parking spaces shall not be rented, leased, or assigned to any other person or organization. The conducting of any business activity shall not be permitted on the required parking spaces.

I.....Where the boundary of a parking lot adjoins or is within a Residential District, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.

J.....Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least four (4) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening.

K.....All areas used for parking and maneuvering of cars shall be surfaced with screened gravel or asphaltic concrete, and shall provide for suitable drainage.

L.....Artificial lighting which may be provided shall be so deflected as not to shine into adjoining structures used as dwellings or other types of living units.

M.....Off-street parking requirements for types of uses and structures not specifically listed in this Ordinance shall be determined by the Planning Commission.

2. MINIMUM PARKING REQUIREMENTS:

A.....Schools and churches - one space per twenty (20) square feet of assembly area.

B.....Commercial Use

1.....Retail and Service except as provided in paragraph 2 below: One space per two hundred (200) square feet of gross floor area..

2.....Retail stores which handle bulky merchandise such as automobiles and furniture one space per six hundred (600) square feet of gross floor area.

C.....Any Industrial Use - one space for each employee.

SECTION 6.02 SIGNS:

1.....The following signs are permitted in any district with the following specific condition.

A.....Residential name plates:

1.....:Shall not exceed two (2) square feet.

2.....Shall be limited only to the title, name, and address of the occupant of the premises upon which the sign is located.

3.....Only one (1) such sign shall be permitted upon the premises.

4.....May be illuminated by indirect lighting only.

B.....Bulletin boards for public and semi-public institutions:

- 1.....Shall not exceed eighteen (18) square feet.
- 2.....Shall pertain only to the institution on the premises.
- 3.....May be illuminated by indirect lighting only.
- 4.....Only one (1) such bulletin board shall be permitted upon the premises.
- 5.....Must observe the same yard setback requirements as required for the structure on the premises.

C.....Real estate signs advertising individual lots.

- 1.....Shall not exceed six (6) square feet.
- 2.....Shall pertain only to the property upon which they are located.
- 3.....Shall be located at least ten (10) feet behind the front lot line.
- 4.....Shall not exceed four (4) feet in height.
- 5.....Shall be temporary in nature.
- 6.....Shall not be artificially illuminated.

D.....Signs advertising a legally recorded subdivision in its entirety or the sale, rental, or lease of tracts of land in excess of five (5) acres.

- 1.....Shall not exceed sixty (60) square feet.
- 2.....Shall pertain only to property upon which they are located.
- 3.....Shall observe the yard setback requirements of the zone in which they are located.
- 4.....Only one (1) such sign shall be permitted upon the premises.
- 5.....Shall not be artificially illuminated.
- 6.....Shall be situated in such a manner so as not to adversely affect safety, corner vision or other similar conditions.
- 7.....Such signs as pertaining to recorded subdivisions shall not remain upon the premises in excess of eighteen (18) months from the date of filing of the subdivision unless an extension of this time limit has been granted by the Planning Commission.

E.....Signs pertaining to home occupations (as defined within this Ordinance):

- 1.....Shall not exceed three (3) square feet.
- 2.....Shall be located inside the dwelling or located flat against the dwelling within which the home occupation is conducted.

- 3.....Only one (1) such sign shall be permitted upon the premises.
- 4.....Shall not be artificially illuminated.
- 2.....The following regulation shall apply in any Commercial or Industrial Zone.
 - A.....Signs advertising the sale or rental of premises, products or services of a commercial nature.
 - 1.....Total square feet of all the signs must not exceed the width of the building occupied by the use advertised. The width of building to be measured at the building line.
 - 2.....Any exterior signs shall pertain only to the use conducted on the premises.
 - 3.....Signs shall not extend more than four (4) feet above the roof of the structures containing the use.
 - 4.....Artificially illuminated signs shall be placed or deflected so as not to shine into adjoining Residential Areas and shall not be of the flashing, intermittent type.
 - 5.....All signs must meet the setback requirements of the zone in which located.
 - B.....Billboards and outdoor advertising structures are prohibited in any Commercial and Industrial District.
 - C.....Signs pertaining to traffic and directing the flow of traffic upon the premises.
 - D.....All signs shall be situated in such a manner so as not to adversely affect health, safety, corner vision, or other similar conditions.

SECTION 6.03 LIVESTOCK AND FARM ANIMALS

1.....Under no circumstances shall any livestock animals, farm animals, poultry, or fowl be kept for commercial purposes in a Non-agricultural Residential or Commercial Zone. Cows, horses, sheep or goats cannot be kept on lots having an area of less than one(1) acre. The total number of such animals (other than their young under the age of six (6) months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below. The raising of swine is not permitted in any Zone.

A.....One (1) horse 15,000 square feet

B.....One (1) goat or sheep 10,000 square feet

2.....Animal runs or barns, chicken or fowl pens shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line or closer than one hundred (100) feet from any residence other than the residence of the owner.

3.....Animals, chickens, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

SECTION 6.04 TEMPORARY STRUCTURES AND USES:

The Planning Commission after hearing as set forth in Section 12.01, may permit the temporary use of a structure or premises in any Zone for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the Zone in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A permit for such use may be granted in the form of a temporary and revocable permit, for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Such permits may be renewable upon re-application to the Commission.

SECTION 6.05 USES NOT LISTED:

The Planning Commission may permit any use in any zone which use is not specifically listed but which is determined by the Commission to be of the same general character as those which are so listed as permitted in such zone.

SECTION 6.06 CONFORMANCE REQUIRED:

Except as herein specified, no land, building, structure or premises shall be used, and no building or part thereof or other structure, shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the zone in which it is located.

SECTION 6.07 UNSAFE BUILDINGS:

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure declared unsafe by proper authority. The proper authority shall be determined by the Planning Commission.

SECTION 6.08 CONVERSION OF DWELLINGS:

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a zone in which a new building of similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction and use in such zone.

SECTION 6.09 BASEMENT DWELLINGS:

Structure consisting of a basement only shall not be used as a dwelling in any zone.

SECTION 6.10 ACCESS AND EGRESS:

Every use of property shall hereafter have defined points of access and egress on any street. Such defined points of access shall be approved at the time of issuance of a building permit.

SECTION 6.11 SIGHT-OBSCURING FENCE OR PLANTING:

A.....The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the Planning Commission.

SECTION 6.12 DOUBLE FRONTAGE LOTS:

A.....Buildings on through lots and corner lots must meet the front yard setback on both streets.

SECTION 6.13 SERVICE STATIONS LOCATED IN C-1 DISTRICT:

- 1.....All applications for new stations shall be reviewed by the Planning Commission before a permit is granted. The plan shall be in such detail as to indicate conformity with the provisions of this section.
- 2.....No gasoline station shall be located closer than two hundred (200) feet from any school, public playground, church, hospital, or institution for dependents or children.
- 3.....Dimensional Standards
 - A.....No structure shall be erected closer than thirty-two (32) feet from the center line of any public, County or State road.
 - B.....Minimum Front Yard Setback:
 - 1.....Signs, gasoline pumps, pump islands, and enclosed buildings, excluding attached or detached canopies: fifteen (15) feet.
 - 2.....Attached or detached canopies: two (2) feet.
 - C.....Minimum Rear Yard Setback: As required in the particular district.
 - D.....Minimum Side Yard Setback: As required in the particular district.
 - E.....Minimum Street Frontage: One hundred (100) feet.
 - F.....Minimum Lot Depth: Sixty (60) feet.
 - G.....Minimum Lot Size: Twelve thousand (12,000) square feet.
 - H.....All other dimensional standards as required in the particular district.
- 4.....Vehicles -- All vehicles for service, parked, or under the control of any employee shall be on private property and shall not be on any required landscaped areas.
- 5.....Permitted Services -- Sales and services shall be limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting, and body and fender work are excluded.
- 6.....Access, Parking and Circulation Requirements
 - A.....Each developed site shall not have more than two accessways to any one street.
 - B.....On-site parking shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.
 - C.....No vehicles subject to the control of the operator of the premises may temporarily be parked on sidewalks, parkways, driveways, alleys, or other public ways.

- 7.....Site Screening -- Where a service station abuts property in a Residential District, a six-foot high, solid masonry wall, site-screening decorative fence, or dense evergreen hedge shall be constructed and maintained on such abutting lines. When the wall, fence, or screening reaches the required front-yard setback, it shall decrease to a height of three (3) feet.
- 8.....Lighting -- All outside lighting shall be so arranged and shielded so as not to shine into adjacent residential areas and to prevent any undue glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property. All lighting used shall be erected only on the same premises with the use.
- 9.....All proposed service stations may be subject to design review by the City depending upon the particular site to be utilized in the establishment thereof.
- 10.....Service stations in C-1 Districts shall, in addition to the above, meet the following requirements:
 - A.....No vehicle may be parked on the premises and offered for sale, lease, or rent.
 - B.....Automotive repair and lubricating operations shall be conducted within the service station building.
 - C.....Signs shall not cause any glare or reflection of light on other property or building.
 - D.....No banners or pennants shall be permitted except by Temporary Permit.
 - E.....Landscaping
 - 1.....One hundred (100) square feet of raised planting area shall be installed and maintained at the intersection of the property lines at a street corner.
 - 2.....Twenty (20) square feet of raised planting area shall be installed and maintained along the building facades fronting on a street.
 - 3.....Entrances of all restrooms shall be screened from view of adjacent properties or street rights-of-way.
 - 4.....All outside trash, garbage, and refuse areas shall be enclosed on at least three sides.

ARTICLE 7 EXCEPTIONS AND MODIFICATIONS

SECTION 7.01 LOT SIZE:

The requirements and regulations specified in this Ordinance shall be subject to the following modifications and interpretations:

1.....Existing Lots of Record

A.....It shall be a violation of this Ordinance to partition a parcel of land into a parcel smaller than the lot size required in the Zoning Ordinance. Parcels of land may be partitioned into smaller size lots than specified in the Zoning Ordinance provided that the smaller parcels be applied to other lots in order to make the other lots more nearly comply with the zoning regulations. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard, or setback requirements.

B.....In any zone where dwellings are allowed, a one family dwelling may be erected on a lot that has been recorded in the office of the County Assessor and was not contiguous to other property under legal control of the same owner or owners, prior to the effective date of this Ordinance, irrespective of the lot width, depth, or area. A one family dwelling may be erected on each lot of a recorded plat. However, no dwelling shall be built on a lot less than three thousand (3,000) square feet in area. In any case of a dwelling constructed on a lot smaller than that allowed by the zone, building setbacks must be adhered to.

SECTION 7.02 PROJECTIONS INTO REQUIRED YARDS:

1.....Certain architectural features may project into required yards or courts as follows:

A.....Into any required yard

1.....Architectural features may project into the required yard not more than two (2) inches for each foot of yard setback.

2.....Open unenclosed fire escapes may project a distance not exceeding forty-eight (48) inches.

B.....Into any required yard, adjoining a street right-of-way:

1.....Architectural features may project a distance not exceeding forty (40) inches.

2.....An uncovered porch, terrace, or patio extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of an interior side lot line, or within ten (10) feet of a front lot line or of an exterior side lot line.

SECTION 7.03 HEIGHT LIMITS:

1.....Height limitations stipulated elsewhere in this Ordinance shall not apply:

A.....To barns, silos or other farm buildings or structures on farms; to church spires, bell-towers, cupolas, and domes, monuments, water towers, windmills, chimneys, smokestacks, fire and hose towers, observations towers, transmission towers, flag poles, radio and television towers, masts, and antennas.

SECTION 7.04 SETBACK MODIFICATIONS:

In any Residential Zone, where the average depth of at least two existing front yards on adjoining lots or within one hundred and fifty (150) feet of the lot in question and within the same block front is less or greater than the minimum front yard depth prescribed elsewhere in this Ordinance, the required depth of the front yard on such lot shall be modified. In such case, the front yard depth shall not be less than the average depth of existing front yards on at least two adjoining lots within one hundred and fifty (150) feet, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and not exceed forty (40) feet.

ARTICLE 8 CONDITIONAL USE REGULATIONS

SECTION 8.01 AUTHORIZATION:

Conditional Use of property may be granted by the Planning Commission at a public hearing as provided in Section ~~8.01~~.
14.01

SECTION 8.02 CHURCHES:

- 1.....Zone Permitted: Residential
- 2.....Conditional Standards:
 - A.....Minimum lot area: Ten thousand (10,000) square feet.
 - B.....Minimum street frontage: One hundred (100) feet.
 - C.....Maximum coverage; 50 percent for all buildings.
 - D.....Maximum building height: Fifty (50) feet.
 - E.....Minimum depth: One hundred twenty-five (125) feet.

SECTION 8.03 SERVICE RECREATIONAL USES:

- 1.....Zone Permitted: Any
- 2.....Principal Use Permitted:
 - A.....Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts and similar recreational uses, all of a non-commercial nature, provided that any principal building or swimming pool shall be located not less than forty-five (45) feet from any other lot in a Residential District
 - B.....Private, non-commercial or non-profit recreational areas, use and facilities, including country clubs, lodges, fraternal organizations, swimming pools, and golf course, provided that any principal building or swimming pool shall be located not less than forty-five (45) feet from any other lot in a Residential District.
 - C.....City, County, State, Federal or Municipal Corporation uses or buildings.

D.....Telephone exchanges, railroad rights-of-way, and public utility structures without shops, garages, or general administrative offices. Radio and television transmitter towers, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

E.....Riding stables, parks, and concessions.

3.....Any other similar to the above mentioned, as determined by the Planning Commission.

4.....Signs shall conform to provisions in Section 6.02. Additional requirements may be stipulated by the Planning Commission.

SECTION 8.04 PUBLIC, PRIVATE, AND PAROCHIAL SCHOOLS:

- 1.....Zone Permitted: Single-Family Residential
- 2.....Dimensional Standards:
 - A.....Minimum Land Area: Five (5) acres
 - B.....Front, rear, and side yard setbacks: a minimum of fifty (50) feet.
- 3.....Off-Street Parking: As required in Section 6.01.

SECTION 8.05 TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE:

Authorization of a conditional use shall be void after 12 months unless substantial construction pursuant thereto has taken place. However, the Planning Commission may in its discretion extend authorization for an additional 6 months upon request.

SECTION 8.06 TRAILERS, TRAILER PARKS:

1. GENERAL PROVISIONS:

- A.....Parking of a trailer in any Residential or Commercial Zone shall be permitted, provided that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is parked or stored, and provided the trailer conforms to the front and side yard setbacks.
- B.....No trailer shall be used for living purposes except when located in a trailer park. A trailer may be used as temporary living quarters when not located in a trailer park and when issued a temporary permit by the Planning Commission.
- C.....In any district, the wheels or any similar transporting devices of any trailer or camp car shall not be removed except for repairs; nor shall such trailer or camp car be other wise permanently fixed to the ground by any person, firm or corporation in a manner that would prevent ready removal of said trailer or mobile home.
- D.....A vehicular entrance to or exit from any trailer park or motel, wherever such may be located, shall not be within two hundred (200) feet along streets from any school, public playground, church, hospital, or institution for dependents or for children.
- E.....Applications for use of land as a trailer park shall be accompanied by a plot plan of the general layout of the entire trailer park, and complete plans and specifications of the park and all permanent buildings, indicating the proposed methods of compliance with the requirements stated in this Section. The plans shall be to scale of not less than one (1) inch to forty (40) feet. Such application shall also include a copy of the County Health Department recommendations issued under the authority of the Oregon State Board of Health.

F.....The area of the trailer park shall be large enough to accommodate:

1.....The designated number of trailer spaces.

2.....Necessary drives and access.

3.....Off-street parking.

4.....Service areas, playgrounds and setbacks.

G.....Each trailer space shall contain a minimum of one thousand five hundred (1,500) square feet, shall be a minimum of thirty (30) feet in width, and shall abut on a drive with unobstructed access to a public street. Such spaces shall be clearly defined. Trailers shall be located in such spaces with a minimum of fifteen (15) feet between trailers, or between a trailer and any building.

Exterior structural additions of any kind that are built onto, or that will become a part of the trailer, are prohibited. Skirting of trailers is permissible, but such skirting shall not attach the trailer to the ground.

H.....No trailer shall be located less than five (5) feet from a side or rear property line.

I.....No trailer shall be located less than twenty-five (25) feet from any street or highway right-of-way and so that any part of such trailer will obstruct any drive or walkway.

J.....No trailer used for living purposes shall remain in a trailer park more than two (2) consecutive days and nights unless a trailer space is available. Vacant trailers may be stored in areas other than in prescribed trailer spaces, provided that they are not stored in areas prescribed for off-street parking, play yard or yard setback spaces.

K.....Access drives shall be provided to each trailer space, shall be continuous, shall connect with a public street, and shall have a minimum width of twenty (20) feet for interior circulation. The point of access to the street shall be at least thirty-two (32) feet in width.

L.....Walkways, not less than two (2) feet in width, shall be provided from each trailer space to service buildings.

M.....Access drives and walkways within the park shall be hard surfaced according to standards established by the County Engineer.

N.....Each trailer space shall be improved with one concrete patio having a minimum area of one hundred fifty (150) square feet, and one crushed rock, or better, trailer pad having a minimum size of ten feet by fifty feet (10' x 50').

O.....Off-street parking shall be provided as required in Section 7.1, with a minimum of one parking space for each trailer space. Minimum width access drives shall not be considered in fulfilling this requirement.

P.....When children are premitted in trailer parks, playground areas shall be provided, suitable equipped and restricted to such use. Such areas shall be protected from streets, drives, and parking areas. A minimum of one hundred (100) square feet of playground area for each trailer space shall be provided in one or more locations within the trailer park. The minimum size of each such playground area shall be 2,500 square feet.

Q.....Permanent structures located within any trailer space shall be used for storage purposes only; shall have a maximum area of twenty-five (25) square feet, shall be detached from any trailer, shall be located on the rear half of the trailer space, and shall be subject to all of the applicable provisions of the City's Building Code.

R.....A sight-obscuring fence or planting of not less than six (6) feet, nor more than seven (7) feet in height, with no openings other than the required entrances and exits to streets and public places, shall be provided along any lot line which abuts or faces, exclusive of intervening street width, a Single Family Residential District.

S.....All open areas, except as other wise specified herein, shall be suitably landscaped according to the plans and specifications approved by the Planning Commission. Such areas shall be continuously maintained.

T.....No enlargements or expansions of any motel, trailer park or a tourist camp shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

U.....Trailer parks shall comply with the aforesaid requirements prior to occupancy.

ARTICLE 9 NON-CONFORMING USE

SECTION 9.01 CONTINUATION OF USE:

1.....A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located.

SECTION 9.02 CHANGE OF USE:

1.....A non-conforming use or structure may not be changed or altered unless the change or alteration is to the same use classification as prescribed in the Ordinance, or to a classification that more nearly conforms with the regulations for the zone in which the use is located.

SECTION 9.03 DISCONTINUED USE:

1.....If a non-conforming use is discontinued for a period of at least twelve (12) consecutive months, the use shall not be re-established.

SECTION 9.04 DAMAGE AND DESTRUCTION:

1.....When a non-conforming use or when a structure containing a non-conforming use is damaged by fire or by any other cause exceeding 75 percent of its appraised valuation, as determined by the office of the County Assessor, the non-conforming use or containing structure shall not be re-established. Buildings and uses that conform to the zoning requirements may be established.

SECTION 9.05 ENLARGEMENTS AND MOVING:

1.....In cases of practical difficulty and unnecessary hardship, a non-conforming use, in a single family district may be enlarged within its containing structure or may be permitted to enlarge up to twenty (20) percent in floor area of its containing structure as existing on the effective date of this Ordinance on approval of the Planning Commission.

SECTION 9.06 APPLICATION TO THE PLANNING COMMISSION:

1.....All applications for expansion of a non-conforming use shall be made to the Planning Commission in writing on forms provided, and shall be filed with the City Recorder at least twenty-one (21) days prior to the meeting at which they are to be heard. Each application shall set forth exactly the hardship and practical difficulty that is claimed. Such application shall also be accompanied by a check or cash payment to cover the cost of the specified fee.

2.....Public Hearing. The Planning Commission shall hold a public hearing on each request for appeal as set forth in Section 14.01 (b). The Planning Commission shall transmit its action in writing to the applicant within ten (10) days of the hearing.

SECTION 9.07 REPAIRS:

1.....Normal maintenance of a structure containing a non-conforming use is permitted provided there are no exterior structural alterations.

ARTICLE 10 VARIANCES

SECTION 10.01 GENERAL REQUIREMENTS:

- 1.....Where difficulties exist rendering compliance with the Zoning Ordinance impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings, the Planning Commission may grant a variance from the provisions of this ordinance after the prescribed public hearing as set forth in Section 12.03, and after an investigation; provided all of the following conditions exist:
 - A.....The difficulty would apply to the particular land or building regardless of the owner.
 - B.....The request for a variance is not the result of an illegal act on the part of the applicant.
 - C.....The plight of the owner is due to unique circumstances, such as lot size or shape, topography, and size or shapes of building, which are not typical of the general conditions of the surrounding area.
 - D.....The hardship asserted as a ground for a variance must arise out of the Zoning Ordinance.
 - E.....The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for the benefit for which the variance is sought and not to other premises or personal conditions of the applicant.
 - F.....The variance does not allow the property to be used for purposes not authorized within the zone involved.

ARTICLE 11 . . . ZONE CHANGES AND AMENDMENTS

SECTION 11.01 AUTHORIZATION TO INITIATE AMENDMENTS:

- 1.....An amendment to the text of this ordinance or to a zoning map may be initiated by the City Council, by the Planning Commission, or by application of a property owner, or his authorized agent.

SECTION 11.02 AMENDMENT PROCEDURE:

- 1.....The following procedures shall be followed in applying for the acting on all amendments:
 - A.....The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within 40 days after the hearing provide a report and recommendation to the City Council regarding the proposed amendment.

SECTION 11.03 TIME LIMIT:

- 1.....No application shall be received nor acted upon within one (1) year of final action by the Planning Commission or City Council which covers substantially the same real property and which requests substantially the same rezoning, conditional use, variance, temporary use, expansion of a non-conforming use unless either the Planning Commission or City Council permits such reapplications after finding one or more of the following apply:
 - A.....That new evidence will be presented which was unavailable or unknown to the applicant at previous hearings and which could not have been discovered by reasonable diligence on the applicant.
 - B.....That there has been a substantial and permanent change of circumstances since the previous hearings which materially affect the applicant's real property.
 - C.....That a mistake was made at the previous hearings which was a significant factor in the denial of the previous application.

SECTION 11.04 HEARING BY THE CITY COUNCIL:

- 1.....After receipt of the Planning Commission findings, the City Council shall hold a public hearing to consider such findings, and recommendations.
- 2.....Notice of the time, place and purpose of the hearing by the City Council shall be given as outlined, in Section 12.01.
- 3.....At the public hearing or any continuance thereof, the City Council may adopt or reject the request, or any portion thereof, as set forth in the resolution or petition.

ARTICLE 12. PLANNED DEVELOPMENT REGULATIONS

SECTION 12.01 PURPOSE:

The provisions of Article 12 shall be known as the PLANNED DEVELOPMENT REGULATIONS. The purposes of these regulations are to encourage the appropriate development of tracts of land sufficiently large to allow comprehensive planning, and to provide flexibility in the application of certain regulations in a manner consistent with the general provisions of the zoning regulations, thereby promoting a harmonious variety of uses, the economy of shared service and facilities, compatibility of surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

It is the further purpose of this Article:

1. To take advantage of advances in technology, architectural design, functional land use design;
2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives;
3. To produce a comprehensive development equal to or better than that resulting from traditional lot by lot land use development;
4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape;
5. To permit flexibility in height of buildings, but still requiring a development to maintain a ratio of site area to dwelling units that will be in harmony with the area in which the proposed development is to be located.

SECTION 12.02 GENERAL STANDARDS AND REQUIREMENTS:

1. SIZE AND TYPE OF PARCEL:

A.....Planned Residential Development may be established in residential zones on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Article. For those Planned Unit Developments which are located in a residential zone, the site shall include not less than four acres of contiguous land unless the Planning Commission or City Council, find that the property of less than four acres be suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of its qualifying as an isolated problem area.

B.....Planned Commercial Developments may be established in commercial zones on parcels of land which are suitable for and of sufficient size to plan and develop them and that are consistent with the purposes and objectives of this Article. Planned commercial developments shall be subject to the standards and requirements contained in this Article and may be authorized in conjunction with a request for rezone, provided that the applicant agrees in writing to the terms and conditions contained herein, and provided further that said rezone is consistent with the objectives of the Land Use element of the General Plan.

C.....Combination Commercial-Residential Developments shall be established in residential and commercial zones on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purpose and objectives of this Article.

D.....Planned Industrial Developments may be established in any industrial zone on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Article.

SECTION 12.03 GENERAL STANDARDS AND REQUIREMENTS - OWNERSHIP:

1. The tract or tracts of land included in a proposed Planned Development must be in one ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, any governmental agency, including the City of Wilsonville, Oregon, shall be deemed the owner of such land for the purposes of this Section.
2. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units of any development. The transferee shall use and maintain each such unit in strict conformance with the approved permit and development plan.

SECTION 12.04 GENERAL STANDARDS AND REQUIREMENTS - PROFESSIONAL DESIGN:

The applicant for all proposed Planned Developments shall certify that the talents of at least one of the following professionals shall be utilized in the planning process for development:

1. An architect licensed by the State of Oregon.
2. A landscape architect licensed by the State of Oregon, or an urban planner holding full membership in the American Institute of Planners.
3. A registered engineer or a registered engineer and land surveyor licensed by the State of Oregon.

One of the professional consultants chosen by the applicant from either 1, 2 or 3 shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.

The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff or the Planning Commission.

The planning process for development shall include:

1. Plot plan of land in area to be developed indicating location of adjacent streets and all private right of way existing and proposed.
2. A legal boundary survey.
3. Existing and proposed finish grades of the property with all drainage features.
4. Location of all proposed structures, together with the usage to be contained therein and approximate location of all entrances thereto and height and gross floor area thereof.
5. Vehicular and pedestrian circulation features within the site on adjacent streets and alleys.
6. The extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
7. The extent, location, arrangement and proposed improvements of all open space, landscaping, fences and walls.
8. Architectural drawings and sketches demonstrating the planning and character of the proposed development.
9. Number of units proposed and statement of average number of dwelling units per acre.
10. Location of utilities.

SECTION 12.05 GENERAL STANDARDS AND REQUIREMENTS - PERMITTED BUILDING AND USES:

The following buildings and uses are permitted as hereinafter specifically provided and/or referred to in other Articles. Said buildings and uses may be permitted either singly or in combination, although the combination may require a zoning classification change.

1. PLANNED RESIDENTIAL DEVELOPMENTS:
 - A.....Accessory buildings and uses
 - B.....Duplexes
 - C.....Dwellings, multiple family
 - D.....Dwellings, single family
 - E.....Open space

F.....Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, substations and pump stations.

G.....Public or private clubs, lodges or meeting halls

H.....Public or private parks, playgrounds, golf courses, driving ranges or community centers and marinas.

I.....A commercial service, supported mainly from Planned Unit Development.

2. COMMERCIAL AND INDUSTRIAL DEVELOPMENTS:

Buildings and uses permitted in planned commercial or industrial developments shall be governed by the buildings and uses permitted in the zone in which such development occurs. Other buildings and uses may be allowed as determined by the Planning Commission under a Conditional Use Permit, provided they are listed in the text of the zone regulations applicable to the development.

3. COMMERCIAL-RESIDENTIAL DEVELOPMENTS:

A.....Commercial uses proposed for a combination commercial-residential development shall be governed by the procedure at Section 12.05 (2) above.

B.....Residential uses proposed for a combination commercial-residential development shall be governed by the list of uses at Section 12.05 (1) above, as exceptions to uses normally permitted in commercial zones.

SECTION 12.06 DEVELOPMENT STANDARDS:

In addition to, or as a greater requirement to the regulations normally found in the zone, the following regulations shall apply to all developments:

1. STANDARDS: Any commercial or industrial uses in the development shall be subject to the applicable provisions of this Zoning Ordinance.

2. OUTDOOR LIVING AREA: Outdoor living area shall be provided in the following manner:

A.....In all residential developments or in combination residential-commercial developments, 40% of the area shall be devoted to outdoor living area. Of this required area, 25% of said required outdoor living area may be utilized privately by individual owners or users of the Planned Unit Development; however, 75% of this area shall be common or shared outdoor living area.

B.....Outdoor living area required by this Article may, at the discretion of the Commission, be dedicated to the City, either rights in fee or easement, without jeopardizing the density or other development standards of the proposed development, provided the size and amount of the proposed dedication meets the criteria of the City for neighborhood parks. The square footage of land dedicated for public parks shall be deemed a part of the development site for the purpose of computing coverage density. The purpose of this Section is to provide adequate light, air, open space and recreational facilities to occupants of such development.

3. HEIGHT GUIDELINES: The sun exposure plane shall prevail, except that the Commission may further limit heights: (1) around the site boundaries, and/or (2) to protect scenic vistas from greater encroachments that would occur if developed conventionally. (See Section 12.10)
4. UNDERGROUND UTILITIES: In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm conduits, street light wiring and other wiring, conduits and similar facilities shall be placed underground by the developer, unless waived by the Commission.
5. The development shall be allowed an increase in density of not to exceed 10% over the regulations of the parent zone in which the development is located, except as more restrictive regulations may be prescribed as a condition of approval of a Planned Unit Development application pursuant to Article 12. When calculating density of the proposed Planned Unit Development, the total area, including street dedications, is included.

SECTION 12.07 DISTRIBUTION OF FACILITIES WITHOUT REFERENCE TO LOT LINES:

Individual buildings, accessory building, off-street parking and loading facilities, open space and landscaping and screening may be located without reference to lot lines, save the boundary lines of the development, except that required parking spaces serving residential uses shall be located within two hundred (200) feet of the building containing the living units served.

SECTION 12.08 WAIVER OR REDUCTION OF YARD AND OTHER DIMENSIONAL REQUIREMENTS:

Except as otherwise provided in Section 12.06, the minimum lot area, width and frontage, height and yard requirements otherwise applying in the zone shall not dictate the strict guidelines for development of the Planned Development, but shall serve to inform the designers of the importance of developing a project that will be in harmony with the character of the surrounding neighborhood.

SECTION 12.09 DEDICATION AND MAINTENANCE OF FACILITIES:

The Planning Commission, or on appeal, the City Council, may, as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

1. RECREATION FACILITIES: The Commission or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development.
2. OUTDOOR LIVING AREA: Whenever private outdoor living area is provided, the Commission or Council shall require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon which shall adopt such Articles of Incorporation and Bylaws and adopt and impose such Declaration of Covenants and Restrictions on such outdoor living areas and/or common areas that are acceptable to the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such outdoor living area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said outdoor living area for the purposes intended. The period of existence of such association shall be not less than 20 years, and it shall continue thereafter and until a majority vote of the members shall terminate it.
3. STREETS: The Commission or Council may require that streets and right of ways be dedicated to the City. Such other streets necessary to the proper development of adjacent properties may also be required.
4. EASEMENTS: Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

SECTION 12.10 SUN EXPOSURE PLANE:

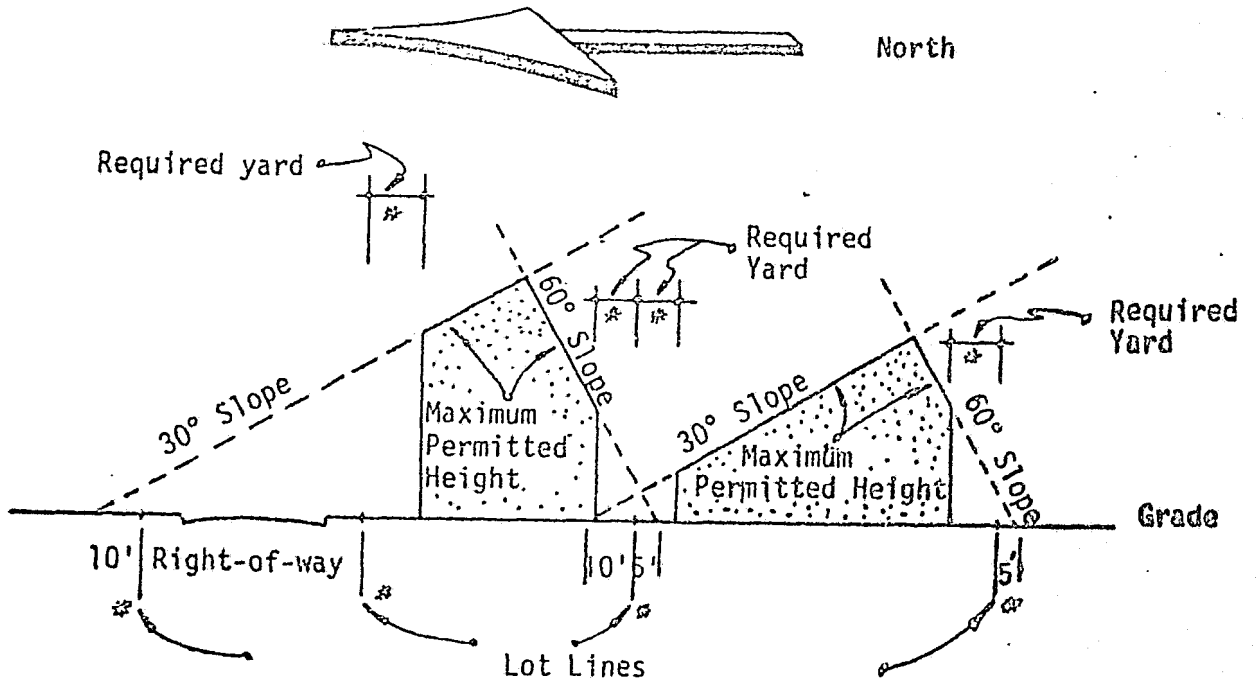
A sun exposure plane is an imaginary, inclined plane:
(See Fig. 1)

1. NORTHERLY EXPOSURES: Beginning on a line parallel to a front, side or rear property line and ten (10) feet within the abutting property or properties northerly from the northerly line or lines of the development site to which the sun exposure plane applies and projecting thence due south at a 30-degree slope over the applicable development site.
2. EASTERLY, WESTERLY AND SOUTHERLY EXPOSURES: Beginning on lines parallel to front, side or rear property lines, and five (5) feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies and

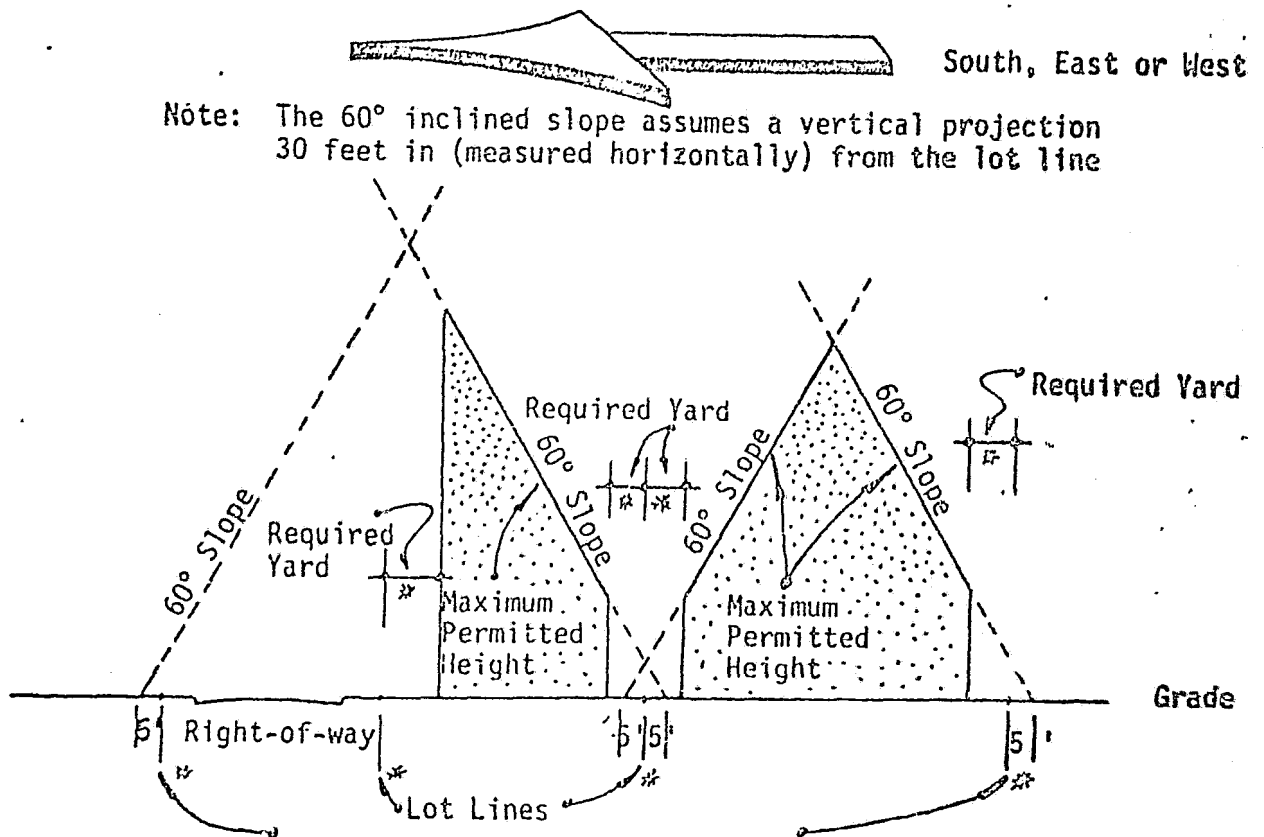
projecting thence due west from the easterly line, due east from the westerly line, and due north from the southerly line, at a 60-degree slope over the applicable development site to a maximum distance of thirty (30) feet measured horizontally from each development site line.

FIG. 1 SUN EXPOSURE PLANE

Example A. *Northerly Exposure*



Example B. *Southerly, Easterly & Westerly Exposures*



Note: The 60° inclined slope assumes a vertical projection 30 feet in (measured horizontally) from the lot line

SECTION 12.11 APPLICATION:

There shall be a three stage review process for Planned Developments consisting of Pre-preliminary Stage (Stage One), Preliminary Approval (Stage Two) and Final Approval (Stage Three):

1. PRE-PRELIMINARY (Stage One): The owner, or his authorized agent, shall submit to the Planning Department, the following information:

A.....A schematic drawing, drawn to a minimum scale of one inch equals two hundred feet (1"=200'), showing the general relationship contemplated among all public and private uses and existing physical features.

B.....A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, non-residential uses, lot layout, public and private access, height of structures, lighting, landscaped areas and provisions for maintenance of landscaped areas to be devoted to various uses and population densities per net acre and per gross acre contemplated by the applicant.

The developer and the City Planning staff shall meet together and determine whether the requirements of Section 12.02 of this Ordinance have been complied with. If there is disagreement on this issue, the applicant, by request, or the staff, may take this pre-preliminary information to the Planning Commission for their determination of whether this site qualifies for the contemplated Planned Development.

The applicant must indicate to the staff or Planning Commission his professional design team, as outlined in Section 12.04 during Stage One, and should also designate who is to be his professional coordinator.

The professional coordinator shall be responsible for presenting the developer's plan in all of the broad professional aspects to the City Planning Department. If the staff and applicant reach a satisfactory agreement, the applicant may proceed to prepare date for Stage Two-Preliminary Approval.

2. PRELIMINARY APPROVAL (Stage Two): Applications for Planned Developments, Preliminary Approval, shall be made by the owner of all affected property or his authorized agent, and shall be filed on a form prescribed by the City Planning Department and filed with said Department. Applications shall be accompanied by the following information:

A.....Four (4) copies and one (1) transparency of a preliminary development plan of the entire development, showing streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas; location and approximate dimensions of structures, utilization of structures, including activities and the number of living units; major landscaping features; relevant operational data, drawings and/or elevations clearly establishing

the scale, character and relationship of buildings, streets and open space. Such development plan shall include maps and information on the surrounding area within four hundred feet (400') of the development. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor, plus contour information, shall also be submitted. The elevations of all points used to determine contours shall be indicated on the preliminary plan and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to city datum, if bench marks are not adjacent.

The following intervals are required:

- a. One foot contour intervals for ground slopes up to 5%.
- b. Two foot contour intervals for ground slopes between 5% and 10%.
- c. Five foot contour intervals for ground slopes exceeding 10%.

All elements listed in this paragraph shall be characterized as existing or proposed and sufficiently detailed to indicate intent and impact.

B.....A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.

C.....A stage development schedule demonstrating that the developer intends to commence construction within one year after the approval of the final development plan, and will proceed diligently to completion.

D.....If it is proposed that the final development plan will be executed in stages, a schedule thereof will be required.

SECTION 12.12 PRELIMINARY PLANNING COMMISSION ACTION (Stage Two):

An application for a planned development permit shall be considered by the City Planning Commission. A public hearing shall be held on each such application. Notice of such public hearing shall be given by posting of at least five notices thereof in the vicinity of the property involved in the petition, at least five days prior to the date of the hearing. After such hearing, the Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 12.17 and to the PLANNED DEVELOPMENT REGULATIONS in this Article 12, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. It may do so only upon evidence

assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. Should a decision not be rendered within sixty (60) days after filing, the application and preliminary development plan shall be deemed approved unless said time has been extended by the Planning Commission. The determination of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Article 15 of this Ordinance.

SECTION 12.13 FINAL APPROVAL (Stage Three):

Within one year after the approval or modified approval of a preliminary development plan, the applicant shall file with the City Planning Department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 12.12, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary plan plus the following: the location of water, sewerage and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements and grading or earth moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required by the Commission for dedication or reservation of public facilities, or for the creation of a non-profit homes association, shall also be submitted.

SECTION 12.14 PUBLIC WORKS DEPARTMENT REPORT (Stage Three):

Within thirty (30) days after the filing of the final development plan, the City Planning Commission shall forward such development plan and the original application to the Sanitary Authority and other agencies involved for review of public improvements, including streets, sewers and drainage. The Commission shall not act on a final development plan until it has first received a report from the agencies or until more than thirty (30) days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.

SECTION 12.15 FINAL PLANNING COMMISSION ACTION (Stage Three):

Upon receipt of the final development plan, the City Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved permit, or require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criterias and standards. In so doing, the Commission may permit the applicant to revise the plan and resubmit it as a final development plan within sixty (60) days. If the Commission does grant such permission, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council, in accordance with Article 15 of this Ordinance.

SECTION 12.16 PERMIT CRITERIA:

A planned development permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria, as well as to the PLANNED DEVELOPMENT REGULATIONS in Article 12:

1. The location, design, size and uses are consistent with the General Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
2. That the location, design and size are such that the development can be well integrated with its surroundings, and in the case of a departure in character from surrounding uses that the location and design will adequately reduce the impact of the development.
3. That the location, design, size and uses are such that traffic generated by the development, except in single family density, can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.
4. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned facilities and services.
5. That the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for living, shopping or working.

SECTION 12.17 MAPPING:

Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as sub-district "PD".

SECTION 12.18 LIMITATION ON RESUBMISSION:

Whenever an application for a Planned Development permit has been denied, no application for the same area or any portion thereof shall be filed by the same applicant within sixty (60) days after the date of denial.

SECTION 12.19 ADHERENCE TO APPROVED PLAN AND MODIFICATION THEREOF:

The applicant shall agree in writing to be bound, for himself and his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension

or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

SECTION 12.20 REVOCATION:

In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the City Planning Commission may, after notice and hearing, revoke a Planned Development permit. The determination of the Commission shall become final thirty (30) days after the date of decision unless appealed to the City Council.

ARTICLE 13. PLANNED COMMERCIAL AND INDUSTRIAL ZONES

SECTION 13.01 CREATION OF ZONES:

Planned commercial and industrial zones must be requested by a property owner or his agent and cannot be created by the City without such a request.

SECTION 13.02 PERMITTED USES:

All uses as permitted for each particular zone as now provided for in Article 5 of this Ordinance.

SECTION 13.03 PROCEDURE:

An application for a planned commercial or industrial zone shall be accompanied by a development plan or plans drawn to scale showing the following:

1. The boundaries of the property, the width, location and names of the surrounding streets, and the uses of adjacent properties.
2. A plot plan showing the location and dimensions of all existing and proposed structures, landscaping, parking areas and other proposed uses on the subject property, together with a narrative description of the general types of uses proposed for each portion of the property.
3. Schematic drawings and renderings showing the architectural design of all buildings and structures proposed.
4. A schedule of time for construction of various portions of the development if the construction is to occur in stages.
5. The Planning Commission may request any additional information it deems necessary to insure proper development of the property.

This information and date shall become a permanent record and be made a part of the application.

SECTION 13.04 REGULATIONS, LIMITATIONS AND RESTRICTIONS:

The Planning Commission may recommend and the Council may adopt as part of the "Development Plan" additional requirements and restrictions which in its determination are necessary to protect property values, the health, safety, general welfare and residential character of the surrounding properties. These may include the following:

1. Height limitations on buildings and structures.
2. Percent coverage of land by buildings and structures.
3. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
4. The location, width and improvement of vehicular and pedestrian access to various portions of the property,

including portions within abutting street.

5. Planting and maintenance of trees, shrubs, plants and lawns in accord with a landscaping plan approved by the Planning Commission.
6. Limitations upon the size, design, lighting and location of signs and advertising structures.
7. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
8. Location and size of off-street loading areas and docks.
9. Uses of buildings and structures by general classifications, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change.
10. Architectural design and color buildings and structures.
11. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare or radiation which would have an adverse effect on the present or potential development on surrounding properties.
12. Schedule of time for construction of the proposed buildings and structures, or any stage of development thereof.

SECTION 13.05 SUBSTANTIAL CONFORMANCE:

Building permit applications for any portion of the development must show substantial conformance with the approved "Development Plan." Questions of substantial conformance shall be determined by the Planning Commission.

SECTION 13.06 MODIFICATIONS:

Major modifications of the "Development Plan" may be made only at an advertised public hearing. Minor modification may be made by the Planning Commission. The determination of whether a change is major or minor will be by the Planning Commission.

SECTION 13.07 TERMINATION:

Any zone change to a Planned Commercial or Industrial District shall automatically terminate two (2) years after the effective date of the zone change if no active construction has been commenced. The zoning on the subject property shall revert to the prior zone unless the termination date is extended. The Planning Commission may extend the termination date for a period not to exceed one (1) year, providing good cause can be shown. It will be incumbent upon the developer or applicant to show good cause.

SECTION 13.08 APPLICATION FOR ZONE CHANGES AND PLANNED DEVELOPMENTS:

An application for a zone change for a commercial or industrial zone shall not be considered as an application for a planned commercial or industrial development as permitted by the foregoing Article 12; but an application for the establishment of a planned commercial or industrial development as permitted by Article 12 shall be treated as an application also for an appropriate zone change, and the provisions of both the foregoing Article 12 and this Article 13 shall thereafter apply.

ARTICLE 14. PUBLIC HEARINGS

SECTION 14.01 NOTICE OF PUBLIC HEARING:

1. When either the Planning Commission or City Council elects or is required to hold a public hearing, notice thereof shall be given as follows:

A.....Notice of a hearing or amendment of this ordinance or of a change of zone, or modification of the zoning map or amendments thereto, shall be published in a newspaper of general circulation in the City of Wilsonville not less than five days prior to the date of hearing. In addition, notice of hearing shall be given as provided in paragraph (b) of this Section.

B.....Notice of hearing on allowance of a conditional use, a variance, a temporary use, or of an appeal from a ruling of the Planning Commission thereon, shall be mailed to the owners of all property within two hundred fifty (250) feet of the exterior boundaries of the property affected not less than ten (10) days prior to the date of hearing. For this purpose the names and addresses of the owners as shown on the records of the County Assessor or City Recorder may be used.

SECTION 14.02 CONTINUANCE OF HEARING:

The Planning Commission or City Council may continue 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 resume shall be announced.

ARTICLE 15. APPEALS

SECTION 15.01 RIGHT OF APPEAL:

Any final order, requirement, decision, determination, interpretation or ruling made by the Planning Commission in the administration or enforcement of the provisions of this Ordinance, may be appealed to the City Council. An appeal stays proceedings in the matter appealed until determination of the appeal.

SECTION 15.02 NOTICE OF APPEAL, FORM AND CONTENTS:

The notice of appeal shall be in writing and shall be filed in the office of the City Recorder upon forms provided. An appeal of any final order, requirement, decision, determination or interpretation by the Planning Commission in the administration or enforcement of the provisions of this Ordinance, must set forth specifically the conditions being appealed.

SECTION 15.03 FILING DEADLINE:

An appeal must be filed within fifteen (15) days after the decision of the Planning Commission.

SECTION 15.04 HEARING DATE-NOTICE:

Upon receipt of the notice of appeal, the City Council shall set the matter for hearing and give notice of the date, time and place thereof, to the applicant, to the property owner whose property or use was subject to the action by the Planning Commission, to the Planning Commission and to any party at interest who has requested in writing to be so notified, and no other notice thereof need be given.

SECTION 15.05 AUTHORITY OF THE CITY COUNCIL:

Upon hearing the appeal, the City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the order, requirement, decision, determination, interpretation or ruling appealed from; or make and substitute such other or additional decisions or determinations it may find warranted under the provisions of this Ordinance. The City Council shall forthwith transmit a copy of the decision to the applicant, or appellant, and the Planning Commission.

ARTICLE 16. . ADMINISTRATION AND ENFORCEMENT

SECTION 16.01 ADMINISTRATION:

1. It shall be the duty of the Planning Commission to administer and enforce the provisions of this Ordinance.
2. The records of the Zoning Ordinance and all Amendments shall be officially held within the office of the City Recorder. All amendments to text and/or Official Zoning Map shall be approved or rejected by the City Council and acknowledged by the Mayor and attested by the City Recorder. Each action that changes a zoning district boundary shall be included on a new Official Zoning Map and approved by the Mayor and attested by the City Recorder and filed in the office of the City Recorder and will be the correct and binding zoning in all cases.

SECTION 16.02 VIOLATIONS:

1. A violation of any provision of this Ordinance is punishable, upon conviction, by:
 - A.....A fine of not more than \$100 for each day of violation where the offense is a contuing offense but such fine may not exceed \$1,000.
 - B.....A fine of not more than \$500 where the offense is not a contuing offense.

SECTION 16.03 ENFORCEMENT:

The City Attorney, at the request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Ordinance.

SECTION 16.04 SUPERSEDURE:

All other zoning ordinances or regulations, by whatever authority resolved or ordained, are herewith superseded, and all such previous zoning ordinances are repealed.

SECTION 16.05 SAVING CLAUSE:

Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid; each section, clause and provision hereof being declared severable.

ARTICLE 17. FEES

SECTION 17.01 FEES:

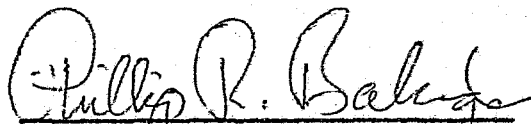
1. Fees are for the purpose of defraying administrative costs.
2. Fees payable at the time of application shall be:
 - A.....Zone Change - \$25.00
 - B.....Conditional Use - \$50.00
 - C.....Expansion of a Non-Conforming Use - \$20.00
 - D.....Variance - \$20.00
 - E.....Temporary Use - \$15.00
 - F.....Appeals - \$20.00
3. Fees are not refundable unless the application is withdrawn prior to the mailing of the notification of the hearing.

ARTICLE 18. EFFECTIVE DATE

SECTION 18.01 EFFECTIVE DATE:

This Ordinance modifies and supersedes the Wilsonville, Oregon Zoning Ordinance No. 14 previously enacted September 28, 1970, and inasmuch as this Ordinance is necessary for the health, peace, safety and welfare of the City of Wilsonville and the inhabitants thereof, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final passage by the City Council and approval by the Mayor.

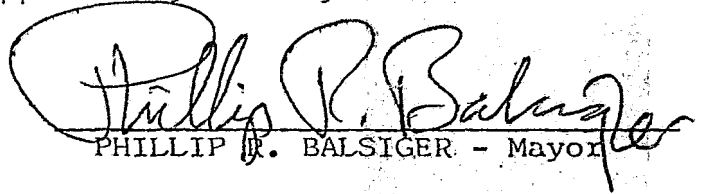
This Ordinance was recommended by the Wilsonville City Planning Commission after study and public hearings as required by O.R.S. 227-250. The Commission's last public hearing was held May 6, 1971, after notice thereof was published in the Tigard Times on April 29 and May 6, 1971. The final report and recommendations of the City Planning Commission were made to and filed with the City Council on May 10, 1971, and the Council conducted a public hearing on May 20, 1971, as required by O.R.S. 227.260 after notice thereof was published in the Tigard Times on May 13 and May 20, 1971, and this Ordinance was then passed on first reading at a regular meeting of the Wilsonville City Council held on the 24th day of May, 1971; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of (5) five consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a special meeting thereof to be held on the 1st day of June, 1971, at the hour of 7:30 p.m., Oregon Daylight Saving Time, at the Council's regular meeting place in the Wilsonville IOOF Hall.


PHILLIP R. BALSIGER, Mayor


ATTEST:


LEE RESLOCK, City Recorder

Passed on final reading at a special meeting of the Wilson-
vil City Council this 1st day of June, 1971, by the following
vote Yeas 4. Nays 0. Approved by the Mayor this 1st
day of June, 1971.


PHILLIP R. BALSIGER - Mayor

ATTEST:



LEE RESLOCK - City Recorder