

# ZONING ORDINANCE



ORDINANCE NO. 134

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS FOR THE CITY OF PAISLEY, OREGON, REPEALING ORDINANCE NO. 123, AND DECLARING AND EMERGENCY

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PAISLEY, OREGON:

ARTICLE I. INTRODUCTORY PROVISIONS

Section 1.010. DEFINITIONS. As used in this Ordinance the following words and phrases shall mean:

- (1) Accessory use or accessory structure. A use of a structure, or a portion of a structure, the use of which is incidental and subordinate to the main use of the property or structure, and is located on the same premises as the main or primary use and/or structure.
- (2) Adult Foster Home. Adult Foster Home means any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster home. (ORS 443.705(1))
- (3) Alley. A street which affords only a secondary means of access to property.
- (4) Alteration. A change in construction or a change in occupancy or use. Where the term "alteration" is applied to a change in construction, it is intended to apply to any change, addition or modification. Where the term is used in connection with a change in occupancy or use, it applies to any such change in occupancy or use.
- (5) Bed and Breakfast Facility. Means any establishment located in a structure designed for a single family residence, regardless of whether the owner or operator of the establishment resides in such structure, which: (a) Has more than two rooms for rent on a daily basis to the public; (b) Offers a breakfast meal as part of the cost of the room; (c) Serves one breakfast meal a day to guests, staff and owners, only. "Breakfast Meal" is the meal served to guests during the a.m. or morning hours each day.
- (6) Building. A structure, including a prefabricated or modular building which meets Uniform Building Code for site built construction, but not a mobile home, built for the support, shelter or enclosure of persons, animals, chattles or property of any kind.
- (7) Dwelling, Multi-Family. A building, or portion thereof, designed for occupancy by three or more families or households living independently of each other.
- (8) Dwelling, Single-Family. A detached building containing

- one dwelling unit designed for occupancy by one family or one household only.
- (9) Dwelling, Two-Family or Duplex. A detached or semidetached building containing two dwelling units and designed for occupancy for two families or households living independently of each other.
- (10) Dwelling Unit. A building, or portion thereof, consisting of one or more rooms, including a bathroom and kitchen facilities, which are arranged, designed or used as living quarters for one family or one household.
- (11) Easement. A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.
- (12) Family or Household. An individual, or two or more persons related by blood, marriage, legal adoption or guardianship, living together in a dwelling unit in which board and/or lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption or guardianship, living together in a dwelling unit.
- (13) Farm Use. The utilization of land for the purpose of raising, harvesting, or selling crops, or for the feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals, honeybees, or for dairying and the sale of dairy products, or for any other agricultural or horticultural use, animal husbandry, timber propagation or harvest, or any combination thereof, including the preparation or processing and storage of products raised on such land.
- (14) Fence, Sight-Obscuring. A fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting, arranged and maintained in such a manner as to obscure vision.
- (15) Grade, ground level. The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.
- (16) Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points of other types of roofs.
- (17) Kennel. A lot or building in which four or more dogs, cats or other animals at least four months of age are kept commercially for board, propagation, training or sale.
- (18) Livestock. Domestic animals of types customarily raised or kept for profit or other purposes, and includes horses, mules, asses, cattle, sheep, swine, goats and poultry, including turkeys, of any age or sex. (ORS 599.205(5))
- (19) Livestock Auction Market or Sales Yard. Any place of

business to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis, but, specifically does not include breed or livestock associations operating in compliance with the Oregon Non-profit Cor. Law (ORS 61), FFA and 4-H groups, auction sales conducted in conjunction with local, county, state or private fairs or auctions by or for a person on the premises of the person. (ORS599.205(6))

- (20) Livestock Slaughtering Facility or Slaughterhouse. A mobile or stationery establishment wherein meat animals, caused to be delivered by the owners thereof, are slaughtered for compensation, payment or remuneration of any kind, and are thereafter returned to the owner thereof or to the order of the owner. (ORS 603.010(2))
- (21) Lot. A unit of land that is created by a duly platted and approved subdivision or partitioning of land, or a parcel, tract, or contiguous lots, parcels or tracts of land under a single ownership on or before the effective date of this Ordinance.
- (22) Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road rights-of-way or easements for access.
- (23) Lot, Corner. A lot abutting on two or more streets, other than an alley, at their intersection.
- (24) Lot Line. The property line bounding a lot.
- (25) Lot line, Front. The lot line separating a lot from the street other than an alley. In the case of a corner lot, the front lot line is the shortest lot line along a street.
- (26) Lot line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a lot 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
- (27) Lot line, Side. Any lot line not a front or rear lot line.
- (28) Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- (29) Mobile Home. a) A residential trailer; a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. b) A mobile house; a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. c) A manufactured home; a structure constructed for movement on the public highways,

that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. (ORS 446.003(17)) For the purposes of this Ordinance, it shall be immaterial: a) Whether such a unit or component is placed upon property for temporary, semi-permanent or permanent residence, or b) That the wheels, axles or tongue are removed and the unit or component is supported upon posts, footings or foundation. This definition does not include recreational vehicles, travel trailers, motorized homes and campers, pickup coaches and camping trailers.

- (30) Mobile Home Park. Any location where two or more mobile homes are parked within 500 feet of one or another on a lot parcel or tract of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee to be paid for rental or use of facilities, or to offer space free in connection with securing the trade or patronage of such person; Except that for a construction company, timber company, or for farm laborers, four or more such units shall constitute a mobile home park. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision is approved for such use by the City. (ORS 446.003)
- (31) Nonconforming Structure or Use. A lawful existing structure or use existing at the time this Ordinance or any amendment hereto becomes effective, which does not conform to the requirements of the zone in which it is located.
- (32) Owner. The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Clerk's records. (ORS 215.503(1))
- (33) Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- (34) Public or Semi-Public Use. A use owned and operated by a public, governmental or nonprofit organization for the benefit of the public in general. Does not include landfill sites, solid waste disposal sites, garbage dumps, recycling facilities or utility facilities.
- (35) Recreation Vehicle. A vacation trailer, camping vehicle, self-propelled vehicle or other unit with or without motive power equipped with wheels for highway use and which is designed and intended for human occupancy and to be used for vacation, recreational or emergency purposes, but not for

residential purposes, is equipped with plumbing, sink or toilet, has a gross floor space of less than 400 square feet, and is identified as a recreational vehicle by the manufacturer. (ORS 446.003(26))

- (36) Recreation Vehicle Park or Recreation Park. Any area designated by the person establishing, operating, managing or maintaining the same for picnicking or overnight camping by the general public or any segment of the public. Includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee, or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to those areas divided into two or more lots, parcels, units or other interests for purposes of such use. Includes, but is not limited to such areas accommodating recreation or camping vehicles, tents, trailers, etc. (ORS 446.310.(9))
- (37) Residential Care. Means service such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board. (ORS 443.400(4))
- (38) Residential Care Facility. A facility that provides, for six or more physically handicapped or socially handicapped individuals, residential care in one or more buildings on contiguous properties. (ORS 443.400(5))
- (39) Residential Home. A residence for five or fewer unrelated physically or mentally handicapped persons and staff persons who need not be related to each other or to any other home resident. (ORS 443.580(3))
- (40) Road or Street. A public or private way or right-of-way that is created to provide ingress and egress for persons and vehicles to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of such land for agricultural or forestry purposes.
- (41) Structure. Something constructed or built, or a piece of work artificially built up or composed of parts jointed together in some definite manner.
- (42) Structural Alteration. A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
- (43) Trailer Park. A lot, parcel or tract of land which is operated and/or maintained on a fee or other basis as a place for the parking or siting of two or more occupied mobile homes or recreation vehicles.
- (44) Travelers' Accommodations. Any establishment, which is not a hostel as defined by ORS 446.310(5), having rooms, apartments or sleeping facilities rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities. (ORS 446.310(11))

- (45) Use. The purpose for which land or a structure is designed, arranged, or intended or for which it is occupied or maintained.
- (46) Utility Facility. Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons or treatment facilities, and similar facilities; But excluding local sewer, water, gas, telephone and electrical power distribution lines, and similar minor facilities.
- (47) Visible. Means capable of being seen without visual aid by a person of normal acuity.
- (48) Yard or Setback. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.
- (49) Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure.
- (50) Yard, Rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building or other structure.
- (51) Yard, Side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.
- (52) Yard, Street Side. A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.

SECTION 1.020. ADMINISTRATIVE TERMINOLOGY AND CONSTRUCTION

- (1) Terminology. As used in this Ordinance: The word "City" shall mean the City of Paisley, Oregon; The words "City Council", "Common Council" and "Council" shall mean the City Council for the City of Paisley; The words "Planning Commission" and "Commission" shall mean the City Planning Commission for the City of Paisley as may be duly appointed by the City Council and, the words "City Recorder", "Recorder", "Fire Chief", "City Engineer", "City Attorney", "Public Works Superintendent", "Streets Superintendent", "Building Official" and "Planning Official" shall mean the City Recorder, Fire Chief, City Engineer, City Attorney, Public Works Superintendent, Streets Superintendent, Building Official, and Planning Official for the City of Paisley as may be applicable thereto.
- (2) Construction. Words in the present tense include the future

tense; Words used in the singular include the plural; Words used in the plural include the singular; The word "shall" is mandatory; The word "may" is permissive; and, The masculine shall include the feminine and neuter.

SECTION 1.030. COMPLIANCE WITH ORDINANCE PROVISIONS.

A lot or parcel may only be used, and a structure or part of a structure may only be constructed, reconstructed, altered, enlarged, moved, occupied or used as this Ordinance permits. No lot or parcel area or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum standards set forth by this Ordinance.

SECTION 1.040. EXISTING AGREEMENTS AND PERMITS.

This Ordinance does not repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or permits or approvals such as preliminary subdivision plat or partitioning approvals, conditional use permits, non-conforming use permits, temporary use permits, special use permits, special exceptions or variances, or building permits issued and still valid and in effect on or before the date of adoption of this Ordinance.

SECTION 1.050. ZONING APPROVAL.

Prior to the construction, alteration, or change of use of any structure, lot or parcel for which a permit is required by this Ordinance, such approval shall be obtained from the City.

SECTION 1.060. CONSOLIDATED PERMIT PROCEDURE.

All applications or permit processes required by this and other City Ordinances for a specific land use action may be consolidated into a single permit processing procedure, including the public hearing(s), public notice(s), and Commission and/or Council action as may be applicable. For example, for a specific land use action requiring a Zone Change, a Conditional Use Permit, and a Land Partitioning, all of these permits may be consolidated into a single public hearing process, a single public notice, and a single Decision & Order Action record.

SECTION 1.070. ADMINISTRATION.

The City Council or designated representative(s) thereof shall have the power and the duty to enforce the provisions of this Ordinance.



ARTICLE 2. ESTABLISHMENT OF ZONES

SECTION 2.010. CLASSIFICATION OF ZONES.

The City of Paisley is hereby divided into Zones as follows:

<u>ZONES</u>	<u>ABBREVIATION</u>
Residential	R
Rural Community	RC
Commercial	C
Historic Resource Combining	(HR)

SECTION 2.020. LOCATION OF ZONES.

The boundaries of the Zones established and classified by this Ordinance are as indicated and set forth on the official zoning map of the City of Paisley entitled the "Zoning Map of the City of Paisley" which is hereby adopted by reference as though set forth in full herein. The boundaries thereof may be modified in accordance with the provisions set forth by this Ordinance and any such amendments shall be dated with the effective date of the adopting ordinance thereof and shall also be adopted by reference as a part of this Ordinance.

A copy of the official zoning map and all amendments thereto shall be maintained in the office of the City Recorder.

SECTION 2.030. ZONING MAP AND AMENDMENTS.

A Zoning Map or Zoning Map Amendment adopted by Section 2.020 of this Ordinance, or by an amendment thereto, shall be prepared by authority of the City Council. The map and map amendments shall be dated with the effective date of the adoption thereof and the number of the adopting ordinance, and shall be signed by the Mayor and the City Recorder. The signed original, together with a copy thereof, shall be maintained in the office of the Mayor and/or City Recorder.

SECTION 2.040. ZONE BOUNDARIES.

Unless otherwise specified, Zone boundaries are section lines, subdivision lines, lot lines, center lines of streets and other rights-of-way, or utility easements, water courses, ridges or rimrocks or other distinctly identifiable natural features, or such lines extended. Where a boundary line is indicated as following a street, alley, canal or other right-of-way, it shall be construed as following the centerline thereof.

SECTION 2.050. ZONING OF ANNEXED AREAS.

An area annexed to the City shall, upon annexation, assume the zoning classification determined by the City to be in compliance with the City's Comprehensive Land Use Plan.

ARTICLE 3. USE ZONES

SECTION 3.010. RESIDENTIAL ZONE, R.

In an R Zone, the following regulations shall apply:

- (1) Uses Permitted Outright. In an R Zone, the following uses and their accessory uses are permitted outright:
  - a. Farm use, excluding livestock feedlot or sales yard, slaughterhouse, hog or fur-animal farm, and subject to the limitations set forth in Subsection 4 of this Section.
  - b. Single-family dwellings, including a mobile house and a manufactured home meeting the standards set forth by Section 4.020 of this Ordinance.
  - c. Two-family dwelling or duplex.
  
- (2) Conditional Uses Permitted. In an R Zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 6 of this Ordinance.
  - a. Private or public school or church, including buildings essential to the operation thereof.
  - b. Commercial buildings for retail, wholesale or service business totally enclosed within a building.
  - c. Home occupations.
  - d. Parks, playgrounds, golf course and other open land recreational uses, but excluding intensive commercial amusement use such as driving ranges, race tracks or amusement parks.
  - e. Public or semi-public use.
  - f. Government structure or use.
  - g. Community building owned and operated by a governmental or nonprofit agency or organization.
  - h. Telephone exchanges, radio and television facilities, electrical substations, and other public or private utility facilities.
  - i. Mobile Home Park.
  - j. Residential Home, Residential Care Facility or Adult Foster Home.
  - k. Multi-family dwelling complex.
  - l. Bed and Breakfast facility.
  
- (3) Dimensional and Site Requirements. In an R Zone, the following dimensional and site requirements shall apply:

- a. Minimum lot area for a single-family dwelling shall be 5,000 square feet.
  - b. Minimum lot area for a two-family dwelling or duplex shall be 7,500 square feet.
  - c. Minimum lot area for a multi-family dwelling units shall be 7,500 square feet plus 1,000 square feet for each dwelling unit over two.
  - d. No more than 40% of the total lot area shall be covered by buildings.
  - e. Front yard shall be a minimum of 20 feet.
  - f. Rear yard shall be a minimum of 20 feet, except as set forth otherwise by this Ordinance.
  - g. Side yard shall be a minimum of 5 feet, except that on a corner lot the side yard adjacent to the street shall be a minimum of 15 feet.
- (4) Limitations on Livestock. Animal shelters shall not be located closer than 20 feet from a property line, or within 50 feet of a residence on an adjacent lot, whichever is greater. Except for animals kept as part of a 4-H or FFA project, animals other than cats, dogs and other domestic pets shall be provided at least 10,000 square feet and shall be limited to the following density per 10,000 square feet: one horse, pig or cow; five sheep or goats; twenty-four chickens or rabbits. A nursing horse or cow up to 200 days of age, or a sheep or goat up to 100 days of age, shall not be considered in calculating the number of allowable animals. Improper sanitation, feeding and/or housing of such animals shall be considered a public nuisance, a public health hazard, and shall constitute a violation of this Ordinance.

SECTION 3.020. RURAL COMMUNITY ZONE, RC.

In an RC Zone, the following regulations shall apply:

- (1) Uses Permitted Outright. In an RC Zone, the following uses and their accessory uses are permitted outright.
  - a. Church.
  - b. Farm use, excluding a livestock feedlot, sales yard or slaughterhouse, hog or fur-animal farm, and subject to the limitations set forth in Subsection 4 of this Section.
  - c. One or two family dwellings, including mobile houses and manufactured homes meeting the standards set forth in Section 4.020 of this Ordinance.
- (2) Conditional Uses Permitted. In an RC Zone, the following uses and their accessory uses are permitted when approved in accordance with the provisions of Article 6 of this Ordinance.
  - a. Commercial building for retail, wholesale or service business.
  - b. Home Occupation.

- c. Mobile Home Park and/or Recreation Vehicle Park.
- d. Offices.
- e. Park, playground or other open land recreational use, excluding intensive commercial recreational uses.
- f. Public and semi-public use.
- g. Public or private school, including buildings essential to the operation thereof.
- h. Government structure or use.
- i. Community building owned and operated by a governmental or nonprofit agency or organization.
- j. Utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- k. Multi-family dwelling complexes.
- l. Medical or dental care facilities including clinics, rest home, home for the aged, hospital, nursing or convalescent home.
- m. Residential home, Residential Care Facility or Adult Foster Home.
- n. Day care or nursery.
- o. Cemetery, crematorium, funeral home or mausoleum.

- (3) Dimensional and Site Requirements. In an RC Zone, the following dimensional and site requirements shall apply:
- a. Single family dwellings: 5,000 square feet.
  - b. Two family dwellings: 7,500 square feet.
  - c. Three or more dwellings: 7,500 square feet plus 1,000 square feet for each dwelling unit over two.
  - d. Minimum average lot width: 50 feet.
  - e. Minimum average lot depth: 100 feet.
  - f. No more than 40% of lot area shall be covered by buildings.
  - g. Minimum front yard: 20 feet.
  - h. Minimum rear yard: 20 feet except as provided otherwise for accessory buildings.
  - i. Minimum side yards: 5 feet except that on a corner lot the side yard on the street side shall be 15 feet.
- (4) Limitations on Livestock. Animal shelters shall not be located closer than 20 feet from any property line, or within 50 feet of a residence on an adjoining lot, whichever is greater. Except for animals maintained as part of a 4-H or FFA project, animals other than cats, dogs and other domestic pets shall be provided at least 10,000 square feet of open area and shall be limited to the following density per 10,000 square feet: one horse, pig or cow; five sheep or goats; twenty-four chickens or rabbits. A nursing horse or cow up to 200 days of age, or a sheep or goat up to 100 days of age, shall not be considered in calculating the number of allowable animals. Improper sanitation, feeding and/or housing of such animals shall be considered a public

nuisance, a public health hazard, and shall constitute a violation of this Ordinance.

SECTION 3.030. COMMERCIAL ZONE, C.

In a C Zone, the following regulations shall apply:

- (1) Uses Permitted Outright. In a C Zone, the following uses and their accessory uses are permitted outright:
  - a. Retail, wholesale or service business establishment, except a use specified in Subsection 2 of this Section.
  - b. Agricultural or horticultural use except a commercial live-stock feedlot, stock yard, auction market or sales yard, slaughter facility or rendering plant.
  - c. Personal service business and/or business or professional office.
  - d. Public or private park, playground or similar recreational use, excluding commercial amusement facility.
  - e. Eating or drinking establishment, except those serving alcoholic beverages.
  - f. Tourist or travelers accommodations including motel, hotel, convention center, recreation vehicle park and bed and breakfast facility.
  - g. Hospital, nursing home, retirement home, medical or dental clinic, residential home or care facility.
  - h. Automotive sales and service, boat, trailer or mobile home sales and service including service station and truck stop.
  - i. Heavy equipment, industrial or farm, sales and service, and other commercial activities directly serving agriculture or forestry.
  - j. Public or semi-public use and public utility facility.
  - k. Mortuary or funeral home.
  - l. Residence, including mobile home, for caretaker or night watchman on property with an existing or approved commercial use, or for the owner of said use.
  - m. Contractor's or building materials business, and other construction related business including plumbing, electrical, roofing, siding, etc.
  - n. Welding, sheet metal or machine shop.
  - o. Veterinary clinic and/or kennel.
  - p. Government buildings including offices, armories, maintenance, repair, or storage facilities.
  - q. Resumption of a residential use where such use has previously been conducted and where such use has not been discontinued for a period not exceeding one (1) year.
  
- (2) Conditional Uses Permitted. In a C Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6 of this Ordinance.
  - a. Any use permitted by Subsection 1. of this Section where open outside storage is involved, excepting open storage-

- display of automobiles, equipment, boats, trailers, mobile home and similar sales displays.
- b. Any use permitted by Subsection 1. of this Section that is located adjacent to or across the street from a lot in a residential zone where open outside storage is involved.
  - c. Any use permitted by Subsection 1. of this Section that is expected or proposed to exceed any of the following standards:
    1. Occupy more than 70% of the land area designated or proposed for such use.
    2. Generates or is expected to generate any odor, fumes, glare, flashing lights or noise that is perceptible without instruments from a lot in a residential zone within 200 feet.
    3. Any use which by normal operations is known or is expected to create a nuisance because of odor, noise, dust, smoke, gas, or other environmental factors.
  - d. Commercial amusement facility.
  - e. Church or school and buildings accessory to the operation thereof.
  - f. Dwellings; single, two or multi-family, including mobile homes.
  - g. Temporary mobile home park.
  - h. Automobile wrecking yard or junk yard.
  - i. Cemetery, crematorium or mausoleum.
  - j. Eating and/or drinking establishments serving alcoholic beverages.
- (3) Dimensional Standards. In a C Zone, the following dimensional standards shall apply:
- a. For residential uses, the minimum lot sizes and minimum yard requirements set forth in the Residential "R" Zone shall apply.
  - b. For all other uses, the minimum lot size shall be determined by the area necessary to accommodate the proposed use and to provide sufficient area for parking, loading, unloading, access and other activities necessary to serve the proposed use.

SECTION 3.040. HISTORIC RESOURCE COMBINING ZONE, (HR).

In an (HR) Zone, the following regulation shall apply:

- (1) Purpose. The purpose of this Zone is to protect significant historic resources identified and so designated by the City's Comprehensive Plan, and to permit development which is compatible with such protection.
- (2) Application. This Zone shall be applied to those sites and resources designated as Significant Historic Resources in the City's Comprehensive Plan Goal 5 Element.

- (3) Permitted Uses. If a use or activity permitted outright in the underlying Zone is listed herein as a "Conflicting Use or Activity" it shall become a Conditional Use subject to the provisions of this Zone. If a use or activity permitted as a Conditional Use in the underlying Zone is listed herein as a Conflicting Use or Activity it shall be reviewed for compliance with the provisions of this Zone as an integral part of the Conditional Use Permit process and approval requirements of the underlying Zone.
- (4) Conflicting Use or Activities. The demolition or alteration of a designated historic resource is identified as "Conflicting Uses or Activities" for the purpose of this Section.
- (5) Alteration/Demolition Permits. A permit is required for alteration or demolition of any structure listed in the City Plan's Inventory of Historic Resources.
- a. Alteration means any addition to, removal of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural detail of the exterior part of the structure, but shall not include paint color.
  - b. Nothing in this Subsection shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered herein that does not involve a change in design, material, or external appearance thereof. Nor does this Subsection prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the Building Official determines that such emergency action is required for public safety due to an unsafe or dangerous condition.
- (6) Review Procedure.
- a. Application. A property owner or his authorized agent may initiate a request for a permit for alteration or demolition of a historic structure by filing an application with the City and the Building Official.
  - b. Public Review Process. The City shall initiate a public review process on the subject permit request within 10 days of receipt thereof as follows:
    1. Provide individual written notice of such application to the following:
      - (a) Property owners within 100 feet.
      - (b) Building Official.
      - (c) County Planning Department.
      - (d) Local or County Historical Society and/or local or County Historical Review Committee as applicable.

- (e) State Historic Preservation Office.
  - (f) Other identifiable potentially affected persons or parties.
2. Such notice shall provide for a minimum of 10 but not more than 20 days for responses to such application.
  3. If no objection is received within said response period, the City may take action on the subject application for approval, approval with amendments or conditions, denial, or may conduct a public hearing on the subject application.
  4. If one or more objections are received, the City shall hold a public hearing on said application.
- c. Decision. If a public hearing is not conducted on the subject application, the City shall render a decision on the application within 10 days of the closure of the public response period. A copy of the decision shall be mailed to the applicant, the Building Official, the County Planning Department and the State Historic Preservation Office. Said mailing shall be within 5 working days following the date of the decision.
- (7) Action on Application for Demolition. In the case of an application for the demolition of a historic structure the City shall authorize either:
- a. Immediate issuance of the permit; or
  - b. Delay issuance of the permit for up to 90 days during which time the City shall, in conjunction with the County Planning Department and the State Historic Preservation Office, attempt to determine if public or private acquisition and preservation is feasible or if any other alternatives are possible which could be carried out to prevent demolition of the structure.
  - c. The City shall authorize immediate issuance of a demolition permit if it is found that all of the following conditions are evident:
    1. The structure cannot be economically rehabilitated as determined by the Building Official;
    2. A program, project or commitment does not exist which may reasonably result in preservation of the structure.
    3. Delay of the permit would result in unnecessary and substantial hardship to the applicant and/or property owner; and
    4. Issuance will not be to the substantial detriment of the public considering the significance of the structure and the economic, cultural and energy consequences of demolishing the structure.
- (8) Criteria: Exterior Alteration. The City shall approve an application for exterior alteration if the proposed alteration is determined to be harmonious and compatible with the



appearance and character of the historical structure and shall disapprove any application if found detrimental as being unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, or the educational or historical value of the structure. The following guidelines apply to exterior alterations to historic structures:

- a. Retention of original construction so far as practicable, and the preservation of original exterior materials and details.
- b. Height: Does not exceed that height which was traditional for the style of building, the added height does not alter the traditional scale and proportions of the building style, and the added height is visually compatible with adjacent and area historic buildings.
- c. Bulk: Horizontal additions may be added to historic buildings provided that: The bulk of the addition does not exceed that which was traditional for the building style, the addition maintains the traditional scale and proportion of the building style, and the addition is visually compatible with adjacent and area historic buildings.
- d. Visual Integrity of Structure: The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as practicable.
- e. Scale and Proportion: The scale and proportion of altered or added building elements, the relationships of voids to solids (windows to walls) shall be visually compatible with the traditional architectural character of the historic buildings of the area.
- f. Materials, Color and Texture: The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic buildings of the area.

#### ARTICLE 4. SUPPLEMENTARY PROVISIONS

##### SECTION 4.010. MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS.

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard, or other open space for another use.

##### SECTION 4.020. MOBILE HOME STANDARDS FOR PLACEMENT IN THE CITY.

The following standards for mobile home placement within the City of Paisley shall be applied by the Building Official and/or the City Council, or designated representative thereof, upon application for the placement or use of any mobile home within the City.

- (1) Any application required for placement or use of a mobile home shall be made by the real property owner.
- (2) The real property owner shall be the person responsible for providing legal sewage, water and electric facilities and achieving the standards set forth herein. The occupant of the mobile home shall, in addition, be responsible for items 3 through 7 herein.
- (3) The mobile home shall be provided with a kitchen area or room containing a sink with running water and which is connected to the City's sewer system.
- (4) The mobile home unit shall have the "Oregon Insignia of Compliance" as provided by State law, however, upon submission of evidence indicating substantial compliance with the standards required for an "Insignia of Compliance" such requirement may be waived.
- (5) The wheels of the mobile home unit shall be removed and the unit placed on and securely anchored to a foundation having permanence and strength equal to that provided by a cement or concrete block foundation. Further, unless the foundation is continuous, a skirting of decay and rust resistant material shall be installed within 30 days of placement. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit, but such openings shall be secure against the entrance of animals.
- (6) Additions or alterations shall comply with the requirements of the Uniform Building Code.
- (7) A "residential trailer" shall only be permitted to locate within a duly approved Mobile Home Park, a "mobile house" or "manufactured home" may be located in an RC Zone, and only a "manufactured home" may be located in an R Zone. A recreation vehicle shall not be located in any zone as a residential use.
- (8) The owner of the property shall remove the foundation and all additions to the mobile home and permanently disconnect sewer, water and other utilities if the mobile home is removed from its foundation, unless otherwise authorized by the City. In the event the owner fails to accomplish such work within 30 days from the date on which the mobile home is moved from its foundation, the City may perform the work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the mobile home is replaced, or another mobile home is placed on the site within 30 days of removal.

SECTION 4.030. ACCESS-MINIMUM LOT FRONTAGE.

All lots shall abut a street other than an alley for a width of at least 25 feet.

SECTION 4.040. CLEAR VISION AREA.

Clear Vision Areas shall be provided in all Zones with the following dimensions and limitations:

- (1) A clear vision area shall be a triangular area on a lot at the intersection of two streets, two sides of which are lot lines measured a distance of 30 feet from the corner intersection of the lot lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to the point of intersection.
- (2) The clear vision area shall contain no plantings, walls, structures or other temporary or permanent obstructions exceeding two and one-half feet in height measured from the grade of the street centerline, except that trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight (8) feet above grade.

SECTION 4.050. PROJECTIONS FROM BUILDINGS.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three (3) feet into a required yard or setback, provided that the projection is not closer than three (3) feet to a property line.

SECTION 4.060. AUTHORIZATION OF SIMILAR USES.

The City may authorize a use that is not specifically listed in a specific zone if the use is of the same general type as other uses permitted in the subject Zone, unless the City finds that:

- (1) The proposed use is specifically permitted in another Zone within the City; or
- (2) The proposed use is more similar to uses provided for in another Zone within the City; and
- (3) That the permitting of the proposed use in the Zone requested would not be detrimental to the intent and purpose of said Zone and this Ordinance in general.

The application for and processing procedure for a Similar Use approval shall be as required for a Conditional Use by this Ordinance, and any conditions that may be applied to a Conditional Use may be applied to a Similar Use approval.

SECTION 4.070. GENERAL PROVISIONS REGARDING ACCESSORY USES.

An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and

shall comply with the following limitations:

- (1) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales, unless such use is duly authorized as a Home Occupation or Commercial Use.
- (2) A guest house may be maintained accessory to a dwelling provided that said guest house is not occupied for more than 30 days out of any 90-day period, and provided that at least one off-street parking space is provided for each bedroom in said guest house.
- (3) Regardless of rear yard requirements, in a residential zone, an accessory structure not exceeding a height of one story nor an area of more than 450 square feet may be placed within 3 feet of the rear lot line.
- (4) Boats, Trailers, Travel Trailers, Pick-Up Campers, Recreational Vehicles, Motor Homes and similar recreational vehicles and equipment may be stored on a lot but shall not be used as a residential or accessory use in any Zone.

SECTION 4.080. OFF-STREET PARKING REQUIREMENTS.

At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any Zone, off-street parking spaces and facilities shall be provided as follows unless otherwise approved by the City:

- (1) Residential, Single and Two-Family: 2 spaces per unit.
- (2) Residential, Multi-Family: One & one-half spaces per unit.
- (3) Commercial Residential: One space per guest room.
- (4) Institutional: One space per each two beds.
- (5) Church: One space per each six seats.
- (6) School: One space per classroom, plus one space per each 4 seats of main auditorium seating.
- (7) Commercial Amusement: One space per each four seats.
- (8) Retail Trade: One space per each 300 sq. ft. floor area.
- (9) Service or Repair Shop: One space per each 600 sq. ft. of area.
- (10) Bank, Office Bldg: One space per each 600 sq. ft. of floor area plus one space per employee.
- (11) Medical/Dental Clinic: One space per each 300 sq. ft. of floor area plus one space per employee.
- (12) Eating/Drinking Establishment: One space per each 250 sq. ft. of floor area or one space per each persons of the rated capacity, whichever is greater.
- (13) Storage warehouse/Trucking terminal: One space per employee plus off-street loading/unloading area.
- (14) Other Uses: To be determined on the basis of comparable use requirements.

SECTION 4.090. OFF-STREET PARKING AND LOADING: DESIGN AND IMPROVEMENT STANDARDS, AND OTHER REQUIREMENTS.

- (1) In the event that more than one use occupies a single lot or building, the total requirements for off-street parking and loading facilities shall be the sum of the requirements of each use computed separately.
- (2) Owners of two or more uses may agree to jointly utilize the same off-street parking, loading and access facilities, provided however, that the hours of operation do not conflict, and provided that satisfactory legal evidence is submitted to and approved by the City in the form of deeds, easements, leases or contracts to establish the joint use and provide for improvements and maintenance.
- (3) Off-street parking spaces for residential uses shall be on the same lot or parcel as the dwelling(s).
- (4) Parking for all other uses shall be on the same premises as the subject use or shall be located within not more than 500 feet walking distance without crossing an arterial street (i.e. State Highway).
- (5) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or bumper-rail set back a minimum of four and one-half feet from the property line.
- (6) Areas used for parking for more than two vehicles shall be improved with a durable and dustless surface as required and approved by the City and shall be maintained.
- (7) Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent residential dwellings.
- (8) Except for single-family dwellings, groups of more than two parking spaces shall be so located and served by a driveway in such a manner that the use thereof will not require the backing of traffic onto a street right-of-way for movements or maneuvering.
- (9) Driveways serving parking areas of more than two spaces shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersections.
- (10) Driveways serving parking areas of more than two spaces shall have a width of not less than 12 feet.

SECTION 4.100. SIGN LIMITATIONS AND REGULATIONS.

The following minimum limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the City. In addition, signs shall be installed in accordance with the applicable regulations of state and federal agencies. Official traffic control signs and instruments of the City, County and State are exempt from these provisions.

- (1) All outdoor advertising signs shall be in compliance with the provisions of this Ordinance and ORS 377 when applicable.
- (2) No outdoor advertising sign permitted by ORS 377 shall be erected within 300 feet of a residential dwelling without approval by the City.
- (3) A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing and projecting signs.
- (4) No permanent sign shall be placed in or extend over a required yard except in a Commercial Zone.
- (5) No sign shall be situated or constructed in such a manner as to result in the blanketing (total coverage or blocking of visibility) of an existing sign.
- (6) All signs, together with all supports, braces, guys and anchors shall be maintained in good repair and in a safe condition.
- (7) Prohibited Signs. No sign shall be constructed, erected or maintained if it:
  - a. Interferes with, imitates or resembles any official traffic control sign, signal or device.
  - b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of an official traffic control sign and approaching or merging traffic.
  - c. Is located or placed upon a utility pole, tree, or painted or drawn upon a rock or other natural feature.
  - d. Advertises or calls attention to a business or other activity, or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.
  - e. Advertises activities that are illegal under any local, county, state or federal law, or in violation of this Ordinance.
  - f. Is not maintained in a neat, clean and attractive condition.
  - g. Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

SECTION 4.110. A RESIDENTIAL TRAILER, MOBILE HOUSE OR RECREATION VEHICLE AS A TEMPORARY RESIDENCE ON AN INDIVIDUAL LOT.

A residential trailer, mobile house or recreation vehicle may be authorized as a temporary residence on an individual lot if found to comply with the following conditions:

- (1) The unit shall be occupied by the owner of the lot on which the unit is located.
- (2) The unit shall only be placed upon a lot and occupied by the owner for which a building permit for a housing unit has been obtained.
- (3) The unit shall only be occupied during a period in which satisfactory progress is being made towards the completion of

- the housing unit, and in no case shall such time period exceed eighteen months.
- (4) Approved electrical, sewerage and water connections shall be made to the unit.
  - (5) The owner agrees in writing to remove the unit within eighteen months from the date of placement, or within three months following the completion of the housing unit, whichever occurs first.
  - (6) The owner agrees in writing to remove all evidence of said unit within 30 days from the removal thereof.
  - (7) The City may also approve such units as temporary housing for construction or other seasonal employment for a period not to exceed six (6) months or the time period of a specific construction project, whichever is less, and provided that there are not available spaces in an existing mobile home park or other housing available at a reasonable cost and distance.
  - (8) Such permits may be reviewed at any time by the City and may revoke any such permits when found to not be in compliance with this Section or with any conditions attached to said permit upon approval.
  - (9) Such permits shall be nontransferable.

SECTION 4.120. A "MOBILE HOME" AUTHORIZED AS A TEMPORARY RESIDENCE FOR CARE OF A RELATIVE IN CONJUNCTION WITH AN EXISTING RESIDENTIAL USE.

It is the intent of this "temporary use" permit provision to provide for a set of procedures and standards whereby the temporary placement and occupancy of certain structures, because of personal hardship and special needs, require special consideration.

- (1) No such temporary permit shall be granted which would have the effect of creating a permanent re-zoning or nonconforming use, or result in a hardship when the use is not permitted to continue. Further, no such permit shall be granted which has the effect of conferring a special privilege for which other property within the same Zone would not be equally eligible.
- (2) As a temporary, special use permit in any Zone in which residential uses are permitted, the City may approve one mobile home unit as an accessory residential dwelling unit in conjunction with a primary dwelling unit with the following findings and limitations:
  - a. That such a unit is necessary to give care for or provide custody of an elderly, mentally or physically handicapped, or infirm relative who a medical doctor certifies is in need of this special kind of care or custody, or is known by the City to need such care.
  - b. That no additions to the mobile home unit shall be permitted, nor shall such unit be connected in any way to the main dwelling unit.
  - c. That residential utilities and facilities can be