

ORD # 1

VOL 6 PAGE 446

FILED

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

JUL 10 1961

(Sitting for the transaction of County business)
JACK BEELER, County Clerk
BY *Bernice E. Pearson*

In the Matter of the
Adoption of Zoning and
Land Use Ordinance }

ORDER

On this 14th day of June 1961, the County Court for Yamhill County, Oregon, was in regular session for the transaction of County business, and had before it the question of the adoption of a zoning and land use ordinance for the Newberg and vicinity area of Yamhill County, as submitted by the Yamhill County Planning Commission, and it appearing that said ordinance is in proper form and should be adopted, now, therefore, it is hereby

corrected
ORDERED that the zoning and land use ordinance for Yamhill County (Newberg and vicinity), attached hereto and by this reference made a part hereof, is hereby adopted for a period of three (3) years beginning the 14th day of June 1961..

Dated this 14th day of June 1961.

ATTEST:

Jack Beeler
s/ Jack Beeler
County Clerk
Bernice E. Pearson
Bernice E. Pearson
Deputy

YAMHILL COUNTY COURT
R. E. Renne
County Judge
C. N. Teegarden
County Commissioner
Guy Shumway
County Commissioner

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VOL 6 PAGE 447

Preliminary Draft

YAMHILL COUNTY ZONING ORDINANCE

Prepared by the
BUREAU OF MUNICIPAL RESEARCH AND SERVICE
University of Oregon

March, 1961

YAMHILL COUNTY ZONING ORDINANCE

Table of Contents

<u>Section</u>		<u>Page</u>
1	Title	1
2	Purposes	1
3	Definitions	1
4	Compliance with Ordinance Provisions	5
5	Classification of Zones	5
6	Zoning Map	5
	<u>Agricultural Zone A-1</u>	
7	Agricultural Zone	6
8	Uses Permitted Outright	6
9	Accessory Uses	6
10	Conditional Uses Permitted	6
11	Signs	6
	<u>Suburban Residential Zone R-S</u>	
12	Suburban Residential Zone	7
13	Uses Permitted Outright	7
14	Conditional Uses Permitted	7
15	Signs	8
16	Lot Size	8
17	Setback Requirements	8
18	Height of Buildings	9
19	Lot Coverage	9

<u>Section</u>	<u>Page</u>
<u>Low Density Residential Zone R-1</u>	
20 Low Density Residential Zone	9
21 Uses Permitted Outright	9
22 Conditional Uses Permitted	9
23 Signs	9
24 Lot Size	10
25 Setback Requirements	10
26 Height of Buildings	10
27 Lot Coverage	10
<u>Limited Commercial Zone C-1</u>	
28 Limited Commercial Zone	10
29 Uses Permitted Outright	10
30 Conditional Uses Permitted	11
31 Signs	11
32 Lot Size	11
33 Setback Requirements	12
34 Height of Buildings	12
35 Lot Coverage	12
<u>General Commercial Zone C-2</u>	
36 General Commercial Zone	12
37 Uses Permitted Outright	12
38 Conditional Uses Permitted	13
39 Setback Requirements	13
40 Height of Buildings	13

<u>Section</u>		<u>Page</u>
	<u>Light Industrial Zone M-1</u>	
41	Light Industrial Zone	15
42	Uses Permitted Outright	15
43	Conditions for Allowing Uses in a M-1 Zone	17
44	Lot Size	17
45	Setback Requirements	17
46	Height of Buildings	17
	<u>Heavy Industrial Zone M-2</u>	
47	Heavy Industrial Zone	17
48	Uses Permitted Outright	18
49	Conditional Uses Permitted	18
50	Conditions for Allowing Uses in a M-2 Zone	18
51	Lot Size	18
52	Setback Requirements	18
	<u>Conditional Uses</u>	
53	Authorization to Grant or Deny Conditional Uses	18
54	Application for Conditional Uses	19
55	Notice of Hearing on Conditional Uses	19
56	Commission Action	19
57	Recess of Hearing	20
58	Notification of Action	20
59	Standards Governing Conditional Uses	20
	<u>Off-street Parking and Loading</u>	
60	Off-street Parking and Loading	20
61	Off-street Loading Requirements	22
62	General Provisions. Off-street Parking and Loading	23

<u>Section</u>		<u>Page</u>
	<u>Supplementary Provisions</u>	
63	Zone Boundaries	24
64	General Provisions Regarding Accessory Uses	24
65	General Exceptions to Lot Size Requirements	24
66	General Exceptions to Yard Requirements	25
67	General Exceptions to Building Height Limitations	25
68	Access	25
69	Vision Clearance	25
	<u>Nonconforming Uses and Structures</u>	
70	Continuation of Nonconforming Use or Structure	26
71	Nonconforming Structure	26
72	Discontinuance of a Nonconforming Use	26
73	Change of a Nonconforming Use	26
74	Destruction of a Nonconforming Use	26
75	Completion of Building	26
76	Unoccupied Buildings	26
	<u>Variances</u>	
77	Authorization to Grant or Deny Variances	27
78	Conditions for Granting a Variance	27
79	Variance Procedure	27
	<u>Amendments to the Zoning Ordinance</u>	
80	Authorization to Initiate Amendments	27
81	Application and Fee	28
82	Public Hearing on an Amendment	28
83	Record of Amendments	28

<u>Section</u>		<u>Page</u>
84	Enforcement	28
85	Appeal to County Court	29
86	Form of Petitions, Applications, and Appeals	29
87	Temporary Permits	29
88	Interpretation	29
89	Severability	29
90	Penalty	29

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING ZONING REGULATIONS.

The County of Yamhill ordains as follows:

Section 1. Title. This ordinance shall be known as the "Zoning Ordinance" of the county.

Section 2. Purposes. The several purposes of this ordinance are: to encourage the most appropriate use and development of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open space for light, air, and circulation; to prevent overcrowding of land; to lessen the congestion on streets; to encourage an orderly growth to the county; to prevent undue concentrations of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks, and other public requirements; and in general, to promote public health, safety, and general welfare.

Section 3. Definitions. As used in this ordinance, the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

(1) Accessory structure or use. A structure or use, including a sign and a home occupation, which is incidental and subordinate to the main use of the property and which is located on the same lot with the main use.

(2) Agriculture. The tilling of the soil, the raising of crops, and horticulture. Tracts of land of less than four acres shall be presumed to be nonagricultural, nongrazing, nonhorticultural, and not for the growing of timber unless proved to be otherwise.

(3) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(4) Apartment house. See dwelling, multi-family.

(5) Billboard. A sign which has a surface space upon which advertising may be posted, painted or affixed, and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

(6) Boarding house, lodging house, or rooming house. A building where lodging with or without meals is provided for compensation for not less than five nor more than ten guests.

- (7) Building. A structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.
- (8) Commission. The county planning commission of Yamhill County, Oregon.
- (9) County Court. The County Court of Yamhill County, Oregon.
- (10) Dwelling, duplex; or dwelling, two-family. A detached building containing two dwelling units.
- (11) Dwelling, multi-family. A building containing three or more dwelling units.
- (12) Dwelling, single-family. A detached building containing one dwelling unit.
- (13) Dwelling unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
- (14) Family. An individual, or two or more persons related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit.
- (15) Fence, sight obscuring. A fence or planting arranged in such a way as to obscure vision.
- (16) Grade (ground level). The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
- (17) Grazing. The use of land for pasture of horses, cattle, sheep, goats, or other domestic, herbivorous animals. Tracts of land of less than four acres shall be presumed to be nonagricultural, nongrazing, nonhorticultural, and not for the growing of timber unless proved to be otherwise.
- (18) Home occupation. A lawful accessory activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employe, or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any character of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- (19) Height of building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
- (20) Horticulture. See agriculture.

- (21) Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
- (22) Hotel. A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the rooms.
- (23) Loading space. An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to the street.
- (24) Lot. A parcel or tract of land which is occupied or may be occupied by a structure, together with yards and other open spaces.
- (25) Lot area. The total horizontal area within the lot lines of a lot.
- (26) Lot, corner. A lot abutting on two intersecting streets, other than an alley.
- (27) Lot, interior. A lot other than a corner lot.
- (28) Lot line. The property line bounding a lot.
- (29) Lot line, front. In the case of an interior lot, the lot line separating the lot from a street other than an alley and in the case of a corner lot, the shortest lot line along a street other than an alley.
- (30) Lot line, rear. A lot line which is opposite and most distant from the front line and in the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot, parallel to and at a maximum distance from a line drawn between the end points of the front lot line.
- (31) Lot line, side. Any lot line not a front or rear lot line.
- (32) Lot width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- (33) Motel. A building or group of buildings on the same lot containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients.
- (34) Nonconforming structure or use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
- (35) Parking space. A rectangle not less than 20 feet long and 8.5 feet wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.

(36) Person. Every natural person, firm, partnership, association, or corporation.

(37) Sign. A presentation or representation or other type of advertising, not in an enclosed building and other than a house number which, by words, letters, figures, designs, pictures, or colors publicly displayed, gives notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid. This includes the board, metal, or surface upon which the sign is painted, included or attached. Each display surface of a sign shall be considered to be a sign.

(38) Story. That portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

(39) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular or pedestrian traffic and the placement of utilities and including the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designation.

(40) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground.

(41) Structural alteration. Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any change in the supporting members of a roof.

(42) Timber growing. The growing of trees for commercial purposes. Tracts of land less than four acres shall be presumed to be nonagricultural, nongrazing, nonhorticultural, and not for the growing of timber unless proved to be otherwise.

(43) Trailer coach. A building or vehicle, originally designed or presently constructed, to be used as a human dwelling or lodging place and to be movable from place to place over streets.

(44) Trailer park. A plot of ground upon which one or more trailer coaches occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

(45) Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(46) Vision clearance area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are

lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. 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 point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet in height measured from the top of the curb.

(47) Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

(48) Yard, front. An open space between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of building.

(49) Yard, rear. An open space extending between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of a main building.

(50) Yard, side. A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of building.

Section 4. Compliance with Ordinance Provisions. No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.

Section 5. Classification of Zones. In order to carry out the purpose and the provisions of this ordinance, areas of the county are divided into zones designated as follows:

<u>Zone</u>	<u>Abbreviated Designation</u>
Agricultural	A-1
Suburban residential	R-S
Low density residential	R-1
Limited commercial	C-1
General commercial	C-2
Light industrial	M-1
Heavy industrial	M-2

Section 6. Zoning Map.

(1) The location and boundaries of the zones designated in Section 5 are hereby established as shown on the map entitled "Zoning Map of Yamhill County" dated with the effective date of this ordinance and signed by the county court and the county clerk and hereafter referred to as the "zoning map."

(2) The signed copy of the zoning map shall be maintained on file in the office of the county clerk and is hereby made a part of this ordinance.

Newberg and Vicinity

Agricultural Zone A-1

Section 7. Agricultural Zone. The agricultural zone is intended to preserve certain land exclusively for agriculture and related uses which land while so used is exempt from zoning and land use regulations. The agricultural zone will serve to prevent intensive development in areas where proper community services are not readily available, where certain activities would be in conflict with an orderly development of suburban areas, or where agricultural and related operations constitute the most appropriate use of land.

Section 8. Uses Permitted Outright. In an A-1 zone only the following uses and their accessory uses are permitted outright:

- (1) Agriculture, grazing, horticulture, or the growing of timber.
- (2) Breeding and raising of fowl and animals.

Section 9. Accessory Uses. In the A-1 zone accessory uses include the following:

- (1) Dwelling or dwellings for the owner, operator, or employes required to carry out a use permitted outright.
- (2) Barns, silos, greenhouses, storage buildings, and similar structures necessary to the conduct of a use permitted outright but excluding commercial processing, manufacturing, or packaging plants except when used primarily for items grown on the premises.

Section 10. Conditional Uses Permitted. In an A-1 zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 53 to 57.

- (1) A conditional use permitted in an R-S zone and subject to the same requirements as conditional uses permitted in an R-S zone.
- (2) Single-family dwelling when developed in accordance with the requirements for uses permitted outright in the R-S zone.

Section 11. Signs. In an A-1 zone signs are limited to the following:

- (1) One name plate or sign indirectly illuminated or not illuminated not exceeding one and one-half square feet in area for each dwelling.
- (2) Two temporary signs per tract of land advertising the sale, lease or rental of the property and not exceeding 42 square feet in area each.
- (3) Signs advertising the sale of products grown or produced on the premises or advertising the activity conducted as part of a use permitted outright.

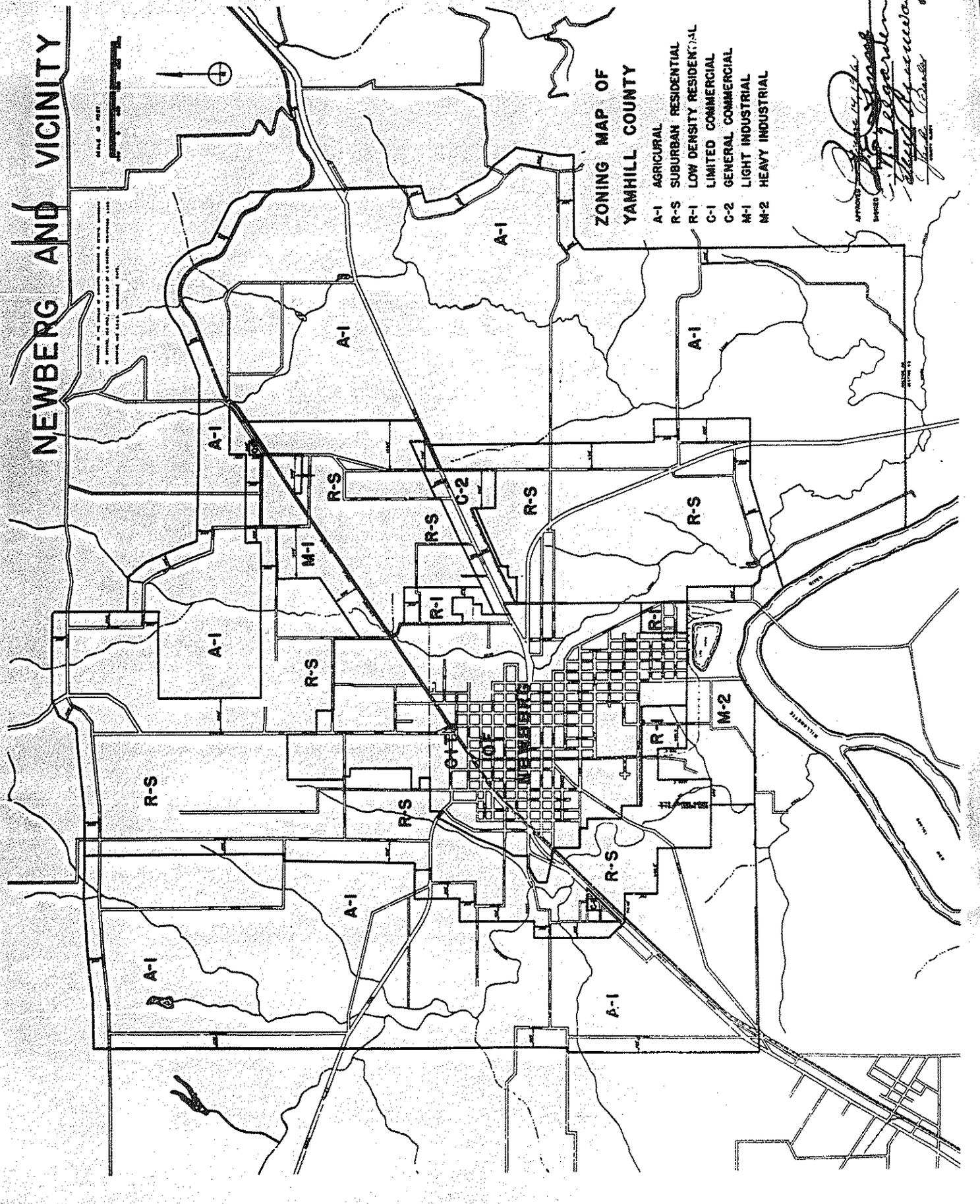
NEWBERG AND VICINITY

ZONING MAP OF YAMHILL COUNTY

- A-1 AGRICURAL
- R-S SUBURBAN RESIDENTIAL
- R-1 LOW DENSITY RESIDENTIAL
- C-1 LIMITED COMMERCIAL
- C-2 GENERAL COMMERCIAL
- M-1 LIGHT INDUSTRIAL
- M-2 HEAVY INDUSTRIAL

APPROVED

 J. J. Edgerton
 Planning Director
 Planning Commission



Agricultural Zone A-1

Section 7. Agricultural Zone. The agricultural zone is intended to preserve certain land exclusively for agriculture and related uses which land while so used is exempt from zoning and land use regulations. The agricultural zone will serve to prevent intensive development in areas where proper community services are not readily available, where certain activities would be in conflict with an orderly development of suburban areas, or where agricultural and related operations constitute the most appropriate use of land.

Section 8. Uses Permitted Outright. In an A-1 zone only the following uses and their accessory uses are permitted outright:

- (1) Agriculture, grazing, horticulture, or the growing of timber.
- (2) Breeding and raising of fowl and animals.

Section 9. Accessory Uses. In the A-1 zone accessory uses include the following:

- (1) Dwelling or dwellings for the owner, operator, or employes required to carry out a use permitted outright.
- (2) Barns, silos, greenhouses, storage buildings, and similar structures necessary to the conduct of a use permitted outright but excluding commercial processing, manufacturing, or packaging plants except when used primarily for items grown on the premises.

Section 10. Conditional Uses Permitted. In an A-1 zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 53 to 57.

- (1) A conditional use permitted in an R-S zone and subject to the same requirements as conditional uses permitted in an R-S zone.
- (2) Single-family dwelling when developed in accordance with the requirements for uses permitted outright in the R-S zone.

Section 11. Signs. In an A-1 zone signs are limited to the following:

- (1) One name plate or sign indirectly illuminated or not illuminated not exceeding one and one-half square feet in area for each dwelling.
- (2) Two temporary signs per tract of land advertising the sale, lease or rental of the property and not exceeding 42 square feet in area each.
- (3) Signs advertising the sale of products grown or produced on the premises or advertising the activity conducted as part of a use permitted outright.

Suburban Residential Zone R-S

Section 12. Suburban Residential Zone. The suburban residential zone is intended to provide minimum standards for development of land for single-family residential purposes in those suburban areas where increased intensity of development of residential land is appropriate but where full urban community services may not be immediately available.

Section 13. Uses Permitted Outright. In a R-S zone only the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling.
- (2) Agriculture, grazing, horticulture, or the growing of timber as authorized in the A-1 zone.
- (3) Hatching and raising of fowl; the raising of rabbits, bees, and the like; and the keeping of domestic animals except pigs provided that:
 - (a) Cows, horses, sheep, or goats shall not be kept on lots having an area of less than 20,000 square feet. The total number of animals over the age of six months shall not exceed one horse or cow for each 10,000 square feet of lot area or one goat or sheep for each 5,000 square feet of lot area.
 - (b) The number of fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of property.
 - (c) The number of colonies of bees allowed on a lot shall be limited to one colony for each 1,000 square feet of lot area.
 - (d) Animals or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times with food stored in metal or other rodent proof receptacles.

Section 14. Conditional Uses Permitted. In a R-S zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 53 to 57.

- (1) Airport.
- (2) Cemetery.
- (3) Church.
- (4) Golf course and other open land recreational use but excluding intensive commercial amusement use such as "pitch and putt" golf course, driving range, automobile race track, or amusement park.
- (5) Governmental structure or use including park, playground, recreation

building, fire station, library, or museum.

- (6) Grange hall or community building.
- (7) Hospital, sanitarium, rest home, home for the aged, nursing home, or convalescent home.
- (8) Radio or television transmitter or tower.
- (9) School: nursery, primary, elementary, junior high, senior high, or college.
- (10) Utility substation or pumping station.

Section 15. Signs. In a R-S zone signs are limited to the following:

- (1) One name plate or sign indirectly illuminated or not illuminated not exceeding one and one-half square feet in area for each dwelling.
- (2) Two temporary signs, not illuminated, not exceeding six square feet in area, each advertising the sale, lease, or rental of the property.
- (3) Two temporary signs per tract of land or subdivision advertising the sale of the tract or the lots in the tract and not exceeding 42 square feet in area each.
- (4) Signs advertising the sale of products grown or produced on the premises or advertising the activity conducted as part of a use permitted outright.

Section 16. Lot Size. The lot size in a R-S zone shall be as follows:

(1) The minimum lot area shall be 20,000 square feet when public access, public water supply, and public sewer or septic tank constructed in accordance with State code are provided. The minimum lot area shall be 10,000 square feet when public access, public water supply, and public sewer or septic tank constructed in accordance with State code are provided and the lot is in a recorded subdivision plat. The minimum shall be one acre when the above conditions are not met.

(2) The minimum lot width shall be 100 feet ~~for an interior lot and 125 feet for a corner lot.~~

(3) The minimum lot depth shall be 100 feet.

Section 17. Setback Requirements. In a R-S zone, except as provided in Section 66, the yards shall be as follows:

(1) The front yard shall be a minimum of 20 feet. For buildings or pens housing fowls, rabbits, cows, horses, or other domestic animals other than

normal household pets the front yards shall be a minimum of 70 feet.

(2) The side yard shall be a minimum of five feet, except that on a corner lot the side yard on the street side shall be not less than 20 feet. The total of both side yards shall be a minimum of 14 feet. For buildings housing fowl, rabbits, cows, horses, or other domestic animals other than normal household pets the side yard shall be a minimum of 50 feet.

(3) The rear yard shall be a minimum of 15 feet.

(4) The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back a minimum of 20 feet from the access street except an alley.

Section 18. Height of Buildings. In a R-S zone no building shall exceed a height of two and one-half stories and in no case shall it exceed a height of 35 feet.

Section 19. Lot Coverage. In a R-S zone buildings shall not occupy more than 30 per cent of the lot area.

Low Density Residential Zone R-1

Section 20. Low Density Residential Zone. The low density residential zone is intended to provide minimum standards for development of land for single-family dwelling purposes in areas of population concentration, or where such concentrations are appropriate, and where normal urban services are provided.

Section 21. Uses Permitted Outright. In a R-1 zone only the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Agriculture, grazing, horticulture, or the growing of timber as authorized in the A-1 zone, but excluding commercial processing, manufacturing or sales building.

Section 22. Conditional Uses Permitted. A conditional use permitted in an A-1 zone is permitted in a R-1 zone when authorized in accordance with the requirements of Sections 53 to 57.

Section 23. Signs. In a R-1 zone signs are limited to the following:

- (1) One name plate or sign, indirectly illuminated or nonilluminated not exceeding one and one-half square feet in area for each dwelling.
- (2) Two nonilluminated temporary signs, less than six square feet in area advertising the sale, lease or rental of the property.
- (3) Two temporary signs per tract of land or subdivision advertising

the sale of the tract or the lots in the tract and not exceeding 42 square feet in area.

Section 24. Lot Size. In a R-1 zone the lot size shall be as follows:

- (1) The minimum lot area shall be 10,000 square feet.
- (2) The minimum lot width shall be 100 feet ~~at the interior lot and 105 feet at the corner lot.~~
- (3) The minimum lot depth shall be 100 feet.

Section 25. Setback Requirements. In a R-1 zone, except as provided in Section 66, the yards shall be as follows:

- (1) The front yard shall be a minimum of 15 feet.
- (2) The side yard shall be a minimum of five feet, except that on a corner lot the side yard on the street side shall be not less than 15 feet. The total of both side yards shall be a minimum of 14 feet.
- (3) The rear yard shall be a minimum of 15 feet.
- (4) The entrance to a garage or carport, whether or not attached to a dwelling shall be set back a minimum of 20 feet from the access street except an alley.

Section 26. Height of Buildings. In a R-1 zone no building shall exceed a height of two and one-half stories and in no case shall it exceed a height of 35 feet.

Section 27. Lot Coverage. In a R-1 zone buildings shall not occupy more than 30 per cent of the lot area.

Limited Commercial Zone C-1

Section 28. Limited Commercial Zone. The limited commercial zone is intended to provide local convenience-shopping locations. The uses permitted are intended to include only those commercial establishments appropriate to a location adjoining a residential neighborhood and actually required for the convenient day-to-day functioning of such a neighborhood.

Section 29. Uses Permitted Outright. In a C-1 zone only the following uses and their accessory uses are permitted outright:

- (1) Any use permitted outright in the R-1 zone subject to the regulations of the R-1 zone.
- (2) Bakery, retail only.
- (3) Barber shop or beauty parlor.

- (4) Confectionery.
- (5) Delicatessen.
- (6) Drug store or pharmacy.
- (7) Dry goods store.
- (8) Florist shop.
- (9) Garden supply store.
- (10) Gift shop.
- (11) Grocery store.
- (12) Hardware store.
- (13) Laundry or clothes cleaning agency, but excluding cleaning and dyeing.
- (14) Laundry, self service.
- (15) Meat market or frozen food store.
- (16) Notion or variety store.
- (17) Office, business or professional.
- (18) Radio-television repair shop.
- (19) Restaurant, fountain, ice cream shop, without drive-in service.
- (20) Service station, excluding major repairing.

Section 30. Conditional Uses Permitted. A use permitted as a conditional use in an A-1 zone is permitted as a conditional use in a C-1 zone when authorized in accordance with the requirements of Sections 53 to 57.

Section 31. Signs. In a C-1 zone signs are limited to the following:

- (1) Signs as permitted in the R-1 zone.
- (2) Business signs not projecting into the required front or side yard, not exceeding 150 square feet in area. Such signs shall be limited to one per business establishment for each side facing on a street. Artificially lighted signs shall be constructed to reflect the light away from abutting residential zones and shall not be of the intermittent or flashing type.

Section 32. Lot Size. The lot size in the C-1 zone shall be as follows:

- (1) The minimum lot area shall be 5,000 square feet.
- (2) The minimum lot width shall be 50 feet.

Section 33. Setback Requirements. Except as provided in Section 66 the yards for nonresidential uses in a C-1 zone shall be as follows:

- (1) The front yard shall be the same as for the least restrictive residential zone adjoining the C-1 zone or 20 feet whichever is less.
- (2) The rear yard shall be a minimum of ten feet where abutting a residential zone.
- (3) The side yard shall be a minimum of five feet where abutting a residential zone.

Section 34. Height of Buildings. In a C-1 zone no business building shall exceed a height of 24 feet or two stories whichever is less.

Section 35. Lot Coverage. In a C-1 zone buildings shall not cover more than 50 per cent of the lot area.

General Commercial Zone C-2

Section 36. General Commercial Zone. The general commercial zone is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of major commercial centers serving large areas of the county. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district and that are normally required to sustain a community.

Section 37. Uses Permitted Outright. In a C-2 zone only the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in the C-1 zone. Residences are subject to the regulations of the R-1 zone.
- (2) Amusement enterprise such as theater, pool hall, bowling alley, skating rink, or golf driving range.
- (3) Auction, when entirely within an enclosed building.
- (4) Auto repair shop.
- (5) Auto sales, service, rental, or storage.
- (6) Bakery.
- (7) Bank or other financial institution.
- (8) Bicycle or motorcycle sales, service, or repair.
- (9) Blueprinting, photostating, or other reproduction process.

- (10) Building materials supply store and sales yard, retail only.
- (11) Bus depot.
- (12) Business college.
- (13) Business machine sales, service, or repair.
- (14) Catering establishment.
- (15) Club or lodge hall.
- (16) Dry cleaning or pressing, except those using highly volatile or combustible materials or high pressure steam tanks or boilers.
- (17) Feed, seed, grain, and farm supplies.
- (18) Floor covering sales or service.
- (19) Fuel oil distribution, retail, providing fuel storage is underground.
- (20) Hotel.
- (21) Laboratory for experimental, photo, or electronic research or testing.
- (22) Locksmith or gunsmith.
- (23) Machinery, farm equipment, or implement sales, service, or rental.
- (24) Magazine or newspaper distribution agency.
- (25) Marine craft sales, service, or supplies, or repair of small craft.
- (26) Mortuary.
- (27) Motel or tourist court.
- (28) Newspaper publishing or printing plant.
- (29) Nursery or greenhouse.
- (30) Office.
- (31) Outdoor advertising or billboard.
- (32) Parking lot or garage.
- (33) Paint store.

- (34) Pawn shop.
- (35) Restaurant.
- (36) Restaurant or hotel supply.
- (37) Retail store or shop.
- (38) Scientific or professional instrument sales or repair.
- (39) Service station.
- (40) Small household, recreation, or business equipment rental.
- (41) Studio, including music, dancing, art, photography, or health.
- (42) Tavern.
- (43) Taxidermy shop.
- (44) Telephone or telegraph exchange.
- (45) Tire shop, including incidental tire recapping.
- (46) Trailer park.
- (47) Trailer sales.
- (48) Upholstery shop.
- (49) Veterinarian's office or animal hospital.
- (50) Watch or clock repair.

Section 38. Conditional Uses Permitted. A use permitted as a conditional use in an A-1 zone is permitted as a conditional use in a C-2 zone when authorized in accordance with the requirements of Sections 53 to 57.

Section 39. Setback Requirements. Except as provided in Section 66, the yards for nonresidential uses in a C-2 zone shall be as follows:

- (1) The front yard shall be a minimum of 40 feet.
- (2) The rear yard shall be a minimum of ten feet where abutting a residential zone.
- (3) The side yard shall be a minimum of five feet where abutting a residential zone.

Section 40. Height of Buildings. In a C-2 zone no business building shall exceed a height of 45 feet.

Light Industrial Zone M-1

Section 41. Light Industrial Zone. The light industrial zone is intended to provide for those light manufacturing, warehousing, and sales operations which basically do not create objectionable amounts of noise, odor, dust, glare, vibration or truck or rail traffic.

Section 42. Uses Permitted Outright. In a M-1 zone only the following uses are permitted outright:

- (1) Animal hospital or veterinarian's office.
- (2) Assembly, manufacture, or preparation of articles or merchandise from the following previously prepared types of materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wire, yarn, paint not employing a boiling process, or wood (excluding sawmill, lumber mill, planing mill, and moulding plant.)
- (3) Automobile, truck, trailer, or marine pleasure craft sales, storage, service or repair.
- (4) Billboard.
- (5) Bottling Plant.
- (6) Building of marine pleasure craft.
- (7) Chicken hatchery.
- (8) Cold storage plant.
- (9) Electrical equipment assembly, sales, or repair, including the manufacture of small parts such as coils, condensers, transformers and crystal holders.
- (10) Electrical, plumbing, heating, or paint contractor's storage, sales, repair, or service; contractor's equipment and storage yard.
- (11) Express storage or delivery station.
- (12) Feed and seed store.
- (13) Frozen food locker.
- (14) Fruit or nut packaging or processing.
- (15) Fuel oil distribution, wholesale or retail.
- (16) Furniture manufacture.

- (17) Laundry or dry cleaning.
- (18) Lumber yard or building materials sale or storage yard.
- (19) Mattress manufacturing.
- (20) Motor freight terminal.
- (21) Machinery, farm equipment, or implement sales, service, or repair.
- (22) Manufacture of figurines, pottery, or similar ceramic products using only previously pulverized clay.
- (23) Manufacture of musical instruments, novelties, rubber or metal stamps, toys.
- (24) Manufacture of optical goods, scientific or precision instruments or equipment.
- (25) Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings, or other devices employed by the medical or dental professions.
- (26) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetic, dairy products or meat, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, excluding the rendering of fats and oils; fish and meat slaughtering; and fermented foods such as sauerkraut, vinegar or yeast.
- (27) Parking lot or garage.
- (28) Power transformer station, utility station.
- (29) Railroad tracks, freight depot, switching yard, and other facilities.
- (30) Restaurant.
- (31) Rug cleaning plant.
- (32) Service station.
- (33) Sheet metal shop.
- (34) Sign manufacturing, sale, or repair; sign painting shop.
- (35) Stone, marble, or granite cutting.
- (36) Tire retreading, recapping, or sales.

(37) Transfer and storage company.

(38) Upholstery shop.

(39) Utility service yard.

(40) Warehouse.

(41) Welding shop.

(42) Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drugs, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, paint, textiles and fabrics, or variety store merchandise.

Section 43. Conditions for Allowing Uses in a M-1 Zone. In a M-1 zone outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a lot in the residential zone. The fence shall be of such material and design as will not detract from adjacent residences and shall be built according to plans submitted by the owner or his authorized agent and approved by the county building inspector.

Section 44. Lot Size. In a M-1 zone the lot size shall be as follows:

(1) The minimum lot area shall be 5,000 square feet.

(2) The minimum lot width shall be 50 feet.

Section 45. Setback Requirements. Except as provided in section 66, the yards in a M-1 zone shall be as follows:

(1) The front yard shall be a minimum of ten feet where abutting a residential zone.

(2) The rear yard shall be a minimum of five feet where abutting a residential zone.

(3) The side yard shall be a minimum of five feet where abutting a residential zone.

Section 46. Height of Buildings. In a M-1 zone no building shall exceed a height of 45 feet.

Heavy Industrial Zone M-2

Section 47. Heavy Industrial Zone. The heavy industrial zone is intended to provide for those industrial operations which by nature tend to be unsightly or which tend to create noise, odor, dust, glare, vibration, or truck or rail traffic in such amounts as to be objectionable to neighboring land uses.

Section 48. Uses Permitted Outright. In a M-2 zone only the following uses are permitted outright:

- (1) A use permitted outright in the M-1 zone.
- (2) Other uses involving manufacturing, processing, or storage except any use which has been declared a nuisance by statute, by action of the county court, or by a court of competent jurisdiction.

Section 49. Conditional Uses Permitted. In a M-2 zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 53 to 57.

- (1) Explosives, manufacturing or storage.
- (2) Garbage, offal, or dead animal reduction or dumping..

Section 50. Conditions for Allowing Uses in a M-2 zone. In a M-2 zone outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a lot in a residential zone. The fence shall be of such material and design as will not detract from adjacent residences and shall be built according to plans submitted by the owner or his authorized agent and approved by the court, building inspector.

Section 51. Lot Size. The lot size in a M-2 zone shall be as follows:

- (1) The minimum lot area shall be 10,000 square feet.
- (2) The minimum lot width shall be 70 feet.

Section 52. Setback Requirements. Except as provided in Section 66, the yards in a M-2 zone shall be as follows:

- (1) The front yard shall be a minimum of ten feet where abutting a residential zone.
- (2) The rear yard shall be a minimum of ten feet where abutting a residential zone.
- (3) The side yard shall be a minimum of five feet where abutting a residential zone.

Conditional Uses

Section 53. Authorization to Grant or Deny Conditional Uses. Uses designated in this ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the planning commission in accordance with the standards and procedures specified in Sections 54 to 57. Changes in use, expansion, or contraction of site, or alterations of

structures or uses classified as conditional existing prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

Section 54. Application for Conditional Uses. A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the county surveyor upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The planning commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. There shall be a fee of \$10.00 accompanying a request for a conditional use.

Section 55. Notice of Hearing on Conditional Uses. Before a conditional use or modification of an existing conditional use is allowed, it shall be considered at a public hearing by the commission. The public hearing before the planning commission shall be held within 40 days after the application is filed. The county surveyor shall give notice of the hearing in the following manner:

(1) By publication of a notice in a newspaper of general circulation in the county not less than five nor more than ten days prior to the day of the hearing.

(2) By sending notices by mail not less than ten days prior to the day of the hearing to the property owners within lines parallel to and 300 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown on the records of the county assessor. When all the property located within 300 feet of the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that in the same ownership shall be notified in the same manner as provided in this section. Failure of a person to receive the notice specified in this subsection shall not invalidate any proceedings in connection with the application for a conditional use.

Section 56. Commission Action. In addition to the general requirements of this ordinance, in granting a conditional use, the commission may attach conditions which it finds are necessary to carry out the purposes of this ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, increase the street width, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require sight obscuring fencing and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

Section 57. Recess of Hearing. The commission may recess a hearing on a conditional use request in order to obtain additional information or to notify additional property owners who it believes may be interested in

the proposed conditional use. Upon recessing, the commission shall announce the time and date when the hearing will be resumed.

Section 58. Notification of Action. The county surveyor shall notify the applicant in writing of the action of the planning commission within five days after the decision has been rendered.

Section 59. Standards Governing Conditional Uses. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the planning commission granting the conditional permit or as otherwise provided as follows:

(1) Building height. The height limitations of any zone may be exceeded by a conditional use to a maximum permitted height of 75 feet, provided that each yard is increased over the yard requirement by the addition of five feet for every five feet or fraction thereof of additional height over 35 feet.

(2) Utility substation or pumping station. The minimum lot size of the zone in which a public utility is to be located may be waived by the planning commission only on finding that the waiver will not result in noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site.

(3) Signs. Additional signs may be permitted for a conditional use in keeping with the nature of the use and the character of the area including one bulletin board not exceeding 24 square feet in area for a church.

Off-street Parking and Loading

Section 60. Off-street Parking and Loading. At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the county, off-street parking spaces shall be provided as indicated in this section unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area of the building primary to the functioning of the particular use of the property other than space devoted to off-street parking or loading. Where employees are specified, the term shall apply to all persons, including the proprietors working on the premises during the peak shift.

<u>Use</u>	<u>Standard</u>
(1) Residential uses.	
(a) Dwelling:	One space per dwelling unit.
(b) Boarding house; lodging house or rooming house	One space per two guest accommodations.

- (2) Institutions.
- (a) Convalescent hospital; nursing home; sanitarium; rest home; home for aged: One space per two beds for patients or residents.
- (b) Hospital: Three spaces per two beds.
- (3) Places of public assembly.
- (a) Library; reading room: One space per 400 square feet plus one space per two employes.
- (b) Preschool nursery; kindergarten: Two spaces per teacher.
- (c) Elementary or junior high school: One space per classroom plus one space per teacher plus one space per administrative employe.
- (d) Senior high school: One space per classroom plus one space per administrative employe plus one space per six students.
- (e) Other places of public assembly, including church: One space per four seats or eight feet of bench length.
- (4) Commercial amusements.
- (a) Theater: One space per four seats.
- (b) Bowling alley: Five spaces per alley plus one space per two employes.
- (c) Dance hall; skating rink: One space per 100 square feet of floor area plus one space per two employes.
- (5) Commercial.
- (a) Retail store: One space per 125 square feet of floor area.
- (b) Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture: One space per 400 square feet of floor area.

- (c) Bank or office (except medical or dental) One space per 400 square feet of floor area plus one space per two employes.
- (d) Medical or dental office: One space per 200 square feet of floor area plus one space per two employes.
- (e) Mortuary: One space per four seats or eight feet of bench in chapels.
- (f) Motel: One space per guest room plus one space for the owner or manager.
- (g) Hotel: One space per two guest rooms plus one space per two employes.
- (6) Industries.
 - (a) Storage warehouse; manufacturing establishment; rail or trucking freight terminal: One space per employe.
 - (b) Wholesale establishment: One space per employe plus one space per 700 square feet of patron-serving area.

Section 61. Off-street Loading Requirements. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

(1) The following standards shall be used in establishing the minimum number of berths required:

<u>Gross Floor Area of the Building in Square Feet</u>	<u>Number of Berths</u>
Up to 10,000	1
10,000 and over	2

For buildings or structures up to 6,000 square feet, regular off-street parking areas may be used to meet the off-street loading requirements.

(2) A loading berth shall contain a space ten feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

Section 62. General Provisions. Off-street Parking and Loading.
The following provisions shall apply to off-street parking and loading facilities:

(1) The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with.

(2) Requirements for types of buildings and uses not specifically listed herein shall be determined by the county court after a report and recommendation from the planning commission, based upon the requirements of comparable uses listed.

(3) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(4) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the county surveyor in the form of deeds, leases, or contracts to establish the joint use.

(5) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.

(6) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(7) A plan drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a building permit.

(8) Design requirements for parking lots and loading areas.

(a) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.

(b) Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

(c) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.

(d) Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

(e) Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

(f) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.

(g) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right of way line, and a straight line joining said lines through points 20 feet from their intersection.

Supplementary Provisions

Section 63. Zone Boundaries. Unless otherwise specified, zone boundaries are lot lines or the center line of streets, alleys, railroad right of way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment involves a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed.

Section 64. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitation: Regardless of the side yard requirements of the zone, a side yard may be reduced to three feet for a detached accessory structure not exceeding one story and erected more than 60 feet from any street other than an alley. Fences may be located within yards.

Section 65. General Exceptions to Lot Size Requirements. If, at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use

permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family or duplex residence.

Section 66. General Exceptions to Yard Requirements.

(1) Subject to the requirements of subsection (2) of this section, the following exceptions to the front yard requirement of a dwelling is authorized for a lot in any zone: If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

(2) To permit or afford better light, air, and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to permit the eventual widening of streets, every yard abutting a portion of street hereinafter named shall be increased over the required yard dimension specified in the zone so that the minimum distance from the center line to the front of any structure shall be as listed below.

Street Name

Setback from Center Line

Section 67. General Exceptions to Building Height Limitations. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, water towers, elevator shafts, windmills, conveyors, and other similar projections.

Section 68. Access. All lots shall abut a street other than an alley for a width of at least 25 feet.

Section 69. Vision Clearance. Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area.

(1) In a residential zone, the minimum distance shall be 30 feet, or at intersections including an alley, ten feet.

(2) In all other zones the minimum distance shall be 15 feet or, at intersections including an alley, ten feet, except that when the angle of intersection between streets other than an alley is less than 30 degrees the distance shall be 25 feet.

Nonconforming Uses and Structures

Section 70. Continuation of Nonconforming Use or Structure. Subject to the provisions of Sections 71 to 76, a nonconforming structure or use may be continued but shall not be altered or extended.

Section 71. Nonconforming Structure. A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension is in conformance with this ordinance.

Section 72. Discontinuance of a Nonconforming Use.

(1) If a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

Section 73. Change of a Nonconforming Use. If a nonconforming use is changed, it shall be changed to a use conforming to the zoning regulations, and after change, it shall not be changed back again to the original nonconforming use.

Section 74. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 per cent of the cost of replacement of the structure using new materials, a future structure or use on the property shall conform to the provisions of this ordinance.

Section 75. Completion of Building. Nothing contained in this ordinance shall require any change in the plans, alteration, construction, or designated use of a building upon which construction work has commenced prior to the adoption of this ordinance, except that if the designated use will be nonconforming it shall, for the purpose of Section 72, be a discontinued use if not in operation within one year of the date of issuance of the building permit.

Section 76. Unoccupied Buildings. If a building is unoccupied on the effective date of this ordinance then the last use of evidence shall be considered to be its use of record and the one year period of discontinuance allowed by Section 72 shall commence on the effective date of this ordinance.

Variances

Section 77. Authorization to Grant or Deny Variances. The planning commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

Section 78. Conditions for Granting a Variance. No variance shall be granted by the planning commission unless it can be shown that all of the following conditions exist.

(1) Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

(3) The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any county development plan or policy.

(4) The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

Section 79. Variance Procedure. The procedure to be followed and the fees to be charged in applying for and acting on a variance shall be substantially the same as those provided in Sections 54 to 58 of this ordinance for the case of a conditional use except that notice of hearing need only be given by notices mailed to the owners of property abutting or directly across a street from the lot or parcel of land on which the variance is requested.

Amendments to the Zoning Ordinance

Section 80. Authorization to Initiate Amendments. An amendment to the text or to the zoning map of this ordinance may be initiated by the county court, by the planning commission, or by application of a property owner or his authorized agent. The planning commission shall, within 40 days after a hearing, recommend to the county court approval, disapproval, or modification of the proposed amendment.

Section 81. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the county surveyor. The application shall be accompanied by a fee of \$10.

Section 82. Public Hearing on an Amendment.

(1) Notice of time and place of the public hearing before the planning commission and the purpose of the proposed amendment shall be given by the county surveyor as provided in ORS 215.060 and in the following manner:

(a) If an amendment to the text of this ordinance or a change in zone of an area of ten acres or more is proposed, the notice shall be by three publications in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the date of hearing.

(b) By mailing written notice not less than ten days prior to the date of hearing to owners of property within lines parallel to and 300 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the records of the county assessor. Where all property located within lines parallel to and 300 feet from the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that of the same ownership shall be notified in the same manner as provided in this section. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed change.

(2) Recess of hearing. The planning commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the commission shall announce the time and date when the hearing will be resumed.

(3) Notice and hearing before the County Court. After the hearing and recommendations have been made by the commission, the county court shall hold a public hearing on the proposed amendment. Notice of the hearing shall be by one publication in a newspaper of general circulation in the county not less than five days nor more than 20 days prior to the date of the hearing.

Section 83. Record of Amendments. The county surveyor shall maintain a record of amendments to the text and map of this ordinance in a form convenient for the use of the public.

Administration, Enforcement, and Interpretation

Section 84. Enforcement. The county surveyor shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling of the county surveyor shall be made to the planning commission.

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Section 85. Appeal to County Court. An action or ruling of the planning commission authorized by this ordinance may be appealed to the county court within 15 days after the commission has rendered its decision by filing written notice with the county surveyor. If no appeal is taken with the 15 day period, the decision of the commission shall be final. If an appeal is filed, the county court shall receive a report and recommendation from the planning commission and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the county not less than five days nor more than ten days prior to the date of the hearing.

Section 86. Form of Petitions, Applications, and Appeals. Petitions, applications, and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the planning commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Applications for a building permit shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure, or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine their conformance with the provisions of this ordinance and of the building code.

Section 87. Temporary Permits. The building inspector shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots therein.

Section 88. Interpretation. The provisions of this ordinance shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provisions of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 89. Severability. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 90. Penalty. A person violating a provision of this ordinance shall, upon conviction thereof, be punished by imprisonment in the county jail for not to exceed 30 days or by a fine not to exceed \$50 or both. A person violating a provision of this ordinance shall be deemed guilty of a separate offense for each day during which the violation continues.

FILED

IN THE COUNTY COURT OF THE STATE OF OREGON

JUL 10 1961

FOR THE COUNTY OF YAMHILL

(Sitting for the transaction of County business) JACK BEELER, County Clerk
BY Bernice E. Pearson

In the Matter of the Adoption of Zoning and Land Use Ordinance }

ORDER

On this 14th day of June 1961, the County Court for Yamhill County, Oregon, was in regular session for the transaction of County business, and had before it the question of the adoption of a zoning and land use ordinance for the Newberg and vicinity area of Yamhill County, as submitted by the Yamhill County Planning Commission, and it appearing that said ordinance is in proper form and should be adopted, now, therefore, it is hereby

ORDERED that the ^{corrected} zoning and land use ordinance for Yamhill County (Newberg and vicinity), attached hereto and by this reference made a part hereof, is hereby adopted for a period of three (3) years beginning the 14th day of June 1961.

Dated this 14th day of June 1961.

ATTEST:

YAMHILL COUNTY COURT

Jack Beeler
s/ Jack Beeler
County Clerk
Bernice E. Pearson
Deputy

R. E. Renne
County Judge
C. N. Reagarden
County Commissioner
Guy Shumway
County Commissioner