

ORDINANCE NO. 578-A

Introduced by Commissioner

Delbert E. Shepherd

AN ORDINANCE PROVIDING FOR THE INTERIM ZONING OF THE CITY OF WARRENTON, CLATSOP COUNTY, OREGON, FOR THREE YEARS, DURING WHICH A COMPREHENSIVE PLAN FOR THE USE OF ALL THE LAND IN THE CITY MAY BE PREPARED AND ADOPTED TO ENCOURAGE THE ORDERLY GROWTH OF THE CITY BY GUIDING, REGULATING AND CONTROLLING THE USE OF BUILDING STRUCTURES AND LAND FOR RESIDENTIAL, BUSINESS AND OTHER USES IN THE CITY

WHEREAS, pursuant to Oregon Revised Statutes, Chapter 227, a City Planning Commission has been established in the City of Warrenton, Oregon, and members thereof have been duly appointed and qualified for the purpose of providing planning and zoning for the City and preparing a comprehensive plan and zoning ordinance, and said Commission has taken and is taking steps toward the compilation of the necessary information and data for determination of such plan and ordinance, and

WHEREAS, the assistance of the Federal and State governments for the purpose of making surveys and studies and securing information for said plan and ordinance has been granted, and

WHEREAS, the holding of public hearings, compilation of zone maps and a proper study of the plan cannot be completed with reasonable satisfaction of the best interests of the City of Warrenton within the next several months, and

WHEREAS, the Commission intends within a reasonable time to adopt a comprehensive plan and land use and to recommend to the City Commission a zoning ordinance to carry out said plan, and

WHEREAS, the City Planning Commission has requested that the City Commission adopt an interim zoning ordinance in substantially the form herein contained pending a formal adoption

of said comprehensive plan and zoning ordinance and has recommended to the City Commission that the same be passed in order that some control over the construction of structures and the use of property may be maintained to the end that the avowed purpose of the comprehensive plan and permanent ordinance shall not be defeated in the interim;

THEREFORE, THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

1.01 This ordinance shall be known as the Interim Zoning Ordinance of the City of Warrenton, Oregon.

1.02 This ordinance shall apply to all of the area within the incorporated limits of the City of Warrenton, Clatsop County, Oregon.

1.03 This ordinance is enacted for the purpose of promoting public health, safety, morals, comfort, aesthetics and general welfare; to conserve, stabilize, and protect property values; to encourage the most appropriate use of land; to provide adequate light, air, and reasonable access; to prevent overcrowding of land; to avoid undue concentration of population; to secure safety from fire and other dangers; to insure sanitary conditions; to lessen traffic congestion, and to facilitate adequate and economical provisions for public improvements, and the direction of building development in a well considered plan.

1.04 The City of Warrenton is now divided by use and occupancy into well defined residential, business and industrial districts, and there is an imminent danger that said uses in said districts may conflict to the detriment of the well being of the general welfare of the City of Warrenton.

1.05 The City of Warrenton is preparing for approval and adoption a comprehensive zoning ordinance which will zone the City into industrial, business and residential zones and other uses, and this ordinance is an interim ordinance to prohibit and prevent the invasions and conflicts in use set forth above.

1.06 Within the City of Warrenton no land shall be hereafter subdivided, partitioned or used, and no building shall be constructed, reconstructed, altered or enlarged that in the determination of the City of Warrenton Planning Commission is reasonably expected to conflict with the proposed comprehensive plan of land use and proposed ordinance. In all such cases the approval of the Planning Commission of the City of Warrenton shall be required and approval obtained in conformance with the provisions of this Ordinance. Further, within the City of Warrenton, no land shall be hereafter subdivided, partitioned or used, and no building shall be constructed, reconstructed, altered or enlarged except in conformance with the provisions of this ordinance.

2.00 TITLE:

This ordinance shall be known and may be cited as the "Interim Zoning Ordinance of the City of Warrenton, Oregon."

3.00 GENERAL DEFINITIONS:

The definitions and terms of the Uniform Building Code, 1970 Edition, promulgated by the International Congress of Building Officials and adopted as the Building Code of the City of Warrenton are hereby a part of this Ordinance as if the same were set out in full haec verba.

For the purposes of this ordinance, the following terms are hereby defined in addition thereto:

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

3.02 AGRICULTURE: The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, swine, or fur-bearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

3.03 AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway, heliport, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking-off of aircraft or helicopters and including all necessary taxi-ways, aircraft storage, tie-down areas, hangars, and other necessary accessory buildings and open spaces.

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

3.05 ALTERATION: An "alteration" may be a change in construction or a change of occupancy. Where the term "alteration" is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction, including but not limited to all construction for which a permit is necessarily required under the building code of this city. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

3.06 ALTERATION, STRUCTURAL: Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

3.07 APARTMENT: Any building or portion thereof which is designed, built, rented, leased, let or hired out, to be occupied,

or which is occupied as a residence of three (3) or more families, living independently of each other and doing their own cooking in the said building.

3.08 BASEMENT: A portion of a building which has more than one-half (1/2) of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six (6) feet or more above the average grade.

3.09 BOARDING, LODGING OR ROOMING HOUSE: A building or portion thereof other than a hotel, where meals and/or lodging are provided for compensation for five (5) or more persons, not transients.

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

3.11 BUILDING DEPARTMENT: The City Manager is designated as the Building Department and while acting in this capacity is charged with the administration and enforcement of this ordinance.

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

3.13 BUILDING LINE: A horizontal line that coincides with the front side of the main building.

3.14 CELLAR: A room or group of rooms, usually under a building, which has more than one-half 1/2 of its height measured from finished floor to finished ceiling below the average grade of the adjoining ground.

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

3.16 DORMITORY: A room for sleeping purposes for more than four (4) persons, which is rented.

3.17 DWELLING UNIT: One or more rooms designed for occupancy by one (1) family for living purposes and having only one (1) cooking facility.

3.18 DWELLING, ONE-FAMILY OR SINGLE FAMILY: A detached building designed for occupancy by one (1) family.

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

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

3.21 FENCE, SIGHT OBSCURING: A fence, a minimum of six (6) feet in height, consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

3.22 FLOOR AREA: The maximum horizontal area of the building at the finished floor line.

3.23 FRONTAGE: All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway or dead-end street, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

3.24 GRADE, GROUND LEVEL: The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk.

3.25 GRAZING: The use of land for pasture for horses, cattle, sheep, goats, and/or other domestic herbivorous animals, alone or in conjunction with agriculture pursuits.

3.26 HOME OCCUPATION: Any lawful activity, commonly carried on within a dwelling by a member or members of a family, no employee or other person being engaged in the same who is not a member of said family, and in which said activity is secondary to the use of the dwelling for living purposes; provided, that there is no outside advertising or display or merchandise and that no sale or sales of merchandise shall be made in such dwelling or on the premises connected therewith.

3.27 HORTICULTURE: The cultivation of plants, garden crops, trees and/or nursery stock.

3.28 HOTEL: A building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

3.29 INSTITUTION, EDUCATIONAL: A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, excluding elementary and high schools, and trade and commercial schools.

3.30 JUNK YARD: The use of more than two hundred (200) square feet of the area of any lot for the dismantling or "wrecking" of automobiles or trucks, or for the storage or keeping of junk, including scrap lumber, metals or other scrap material.

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

3.32 LOADING SPACE: An off-street space on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space abuts upon a street, alley or other appropriate means of access and egress.

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

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

3.35 LOT COVERAGE: The area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.

3.36 LOT DEPTH, AVERAGE: The average distance from the narrowest street frontage to the lot line opposite.

3.37 LOT LINES: The lines bounding a lot as defined herein.

3.38 LOT LINE, FRONT: For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating the narrowest frontage of the lot from the street.

3.39 LOT LINE, REAR: For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lots either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line ten (10) feet in length that is parallel to and at the maximum distance from the front lot line.

3.40 LOT LINE, SIDE: For interior lots, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

3.41 LOT SIZE: See "3.34 LOT AREA."

3.42 LOT WIDTH: For interior lots the distance between opposite side lines; and for corner lots, the distance between the longest street frontage and the lot line opposite.

3.43 MAY: As used in this ordinance, MAY is permissive and SHALL is mandatory.

3.44 MOBILE HOME: A vehicular or portable structure of not less than 40 feet in length which is constructed for movement on the public highways and which is designed for use as a residence.

3.45 MOBILE HOME PARK: Land designed or used for the temporary or permanent parking of two (2) or more mobile homes used for human habitation.

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

3.47 PARKING SPACE: A minimum gross area, ten (10) feet in width and twenty (20) feet in length, available for the parking of a standard American automobile.

3.48 PREMISES: A lot with or without buildings.

3.49 PROPERTY LINE: See "3.37 LOT LINES."

3.50 PROFESSIONAL OFFICE: An office containing the activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, or teacher, but not real estate or insurance sales.

3.51 ROOMING HOUSE: Same as boarding house (See "3.09").

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

3.53 SCHOOL, PRIMARY, ELEMENTARY, OR HIGH: Includes private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

3.54 SHALL: As used in this ordinance SHALL is mandatory and MAY is permissive.

3.55 SIGN AREA: The greatest width multiplied by the greatest height of the display portion of a sign (one side).

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

3.57 STORY, HALF: A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such a story.

3.58 STREET: A public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such terms.

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

3.60 TIMBER GROWING: The growing of trees for the production of timber.

3.61 TOURIST COURT: One or more buildings designed or used as temporary living quarters for automobile transients.

3.62 YARD: An open space, on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed by structures from thirty (30) inches above the ground upward.

3.63 YARD, FRONT: A yard extending across the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

3.64 YARD, REAR: A yard extending across the lot between the nearest part of a building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten (10) foot line parallel to the front lot line, measured from one side line to the other, to the building.

3.65 YARD SIDE: A yard between any building and the side lot line; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the building.

4.00 GENERAL PROVISIONS:

4.10 CHANGES AND AMENDMENTS:

4.11 Changes and amendments to the Interim Zoning Ordinance may be proposed in the following manner:

4.111 By resolution of the City Commission.

4.112 By resolution of the Planning Commission.

4.113. By petition of the property owners affected or by their authorized agent.

(a) A petition to amend the Interim Zoning Ordinance shall be filed with the Planning Commission on forms prepared by the Planning Commission.

4.12 Planning Commission Hearing Procedure:

A public hearing shall be held by the Planning Commission on all proposed changes and amendments to the Zoning Ordinance.

4.121 A resolution to approve a change or amendment must be by majority vote of the Planning Commission present at a legal meeting. Such resolution together with relevant information and drafts of proposed ordinances shall be referred within thirty (30) days from the date of the vote to the City Commission.

4.122 The Planning Commission may table any item and continue any hearing in order to obtain additional information. Persons previously notified as provided herein, need not be notified of the resumption of said hearing unless the Planning Commission so orders.

4.123 All decisions of the Planning Commission not required to be referred to the City Commission for action may be appealed to the City Commission by either the petitioner or any person entitled to written, mailed notice under this Ordinance.

(a) Appeals must be made within ten (10) days of the decision by the Planning Commission.

(b) Notice of appeal shall be in writing and filed in the office of the City Auditor.

4.13 Notice of Planning Commission Hearing:

Notice of the time, place, and purpose of the Planning Commission hearing shall be given in the following manner:

4.131 Proposed Amendment to the Interim Zoning Map:

(a) By posting of public notices in three (3) conspicuous places in the affected area at least ten (10) days prior to the public hearing.

(b) By mailing a written notice not less than ten (10) days prior to the date of such hearing to the owners of all property proposed for zoning reclassification. The same written notice shall be sent to the owner of record of all other property within at least one hundred and fifty feet (150) of the boundary of the area proposed for zoning reclassification. Names and mailing addresses for the purpose of such written notification shall be obtained from the county tax rolls by the applicant with his application. The names and addresses shall be accompanied by letter from the Clatsop County Assessor or other county officer certifying that the names and addresses

supplied are correct and complete as evidenced by the tax rolls in his possession at the date of the letter.

Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with a proposed amendment.

4.132 Proposed amendment to the written portion of this ordinance:

- (a) By posting of public notices in three (3) conspicuous places within the City of Warrenton at least ten (10) days prior to the public hearing.
- (b) By publication of a notice in a newspaper of general circulation in the City of Warrenton not less than ten (10) days prior to the date of such hearing.

4.14 City Commissioner Hearing Procedure

After receipt of the resolution of the Planning Commission and/or written appeal thereto, the City Commission shall hold a public hearing to consider such resolution and/or appeal and the findings and recommendation of the Planning Commission.

4.141 The City Commission may adopt or reject the amendment, or any portion thereof, as set forth in the resolution of the Planning Commission, or it may refer the matter back to the Planning Commission for reconsideration or the preparation of appropriate Ordinance drafts.

4.142 The City Commission may table any item and continue any hearing in order to obtain additional information. Persons previously notified, as provided herein, need not be notified of the resumption of said hearing unless the City Commission so orders.

4.143 Appeal from the decision of the City Commission shall be only to a court of competent jurisdiction.

4.15 Notice of Hearing by City Commission:

Notice of the time, place and purpose of the City Commission hearings, as provided in Section 4.14, shall be given in the following manner:

4.151 Proposed amendment to the Interim Zoning Map;
By mailing a written notice not less than five
(5) Days prior to the date of such hearing to

the owners of all property proposed for zoning reclassification.

The same written notice shall be sent to the owners of record of all other property within at least one Hundred and fifty (150) feet of the boundary of the area proposed for zoning reclassification.

Names and addresses for the purpose of such written notification shall be obtained from the county tax rolls.

Failure to send notice by mail to any such property owner where the address is not a matter of public record shall not invalidate any proceedings in connection with a proposed amendment.

4.142 Proposed amendment to the written portion of this Ordinance:

By publication of a notice in a newspaper of general circulation in the City of Warrenton not less than five (5) days prior to the date of such hearing.

4.20 CONDITIONAL USES:

4.21 Application:

A. An application for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent or by the city commission or planning commission.

B. An application for conditional use shall be filed with the city auditor on forms provided for that purpose.

C. Application for conditional use shall follow the procedures set forth in sections 4.131 and 4.14.

4.22 Planning Commission action:

A. The planning commission in reviewing an application for a conditional use shall consider the most appropriate use of the land; the conservation and stabilization of the value of property, adequate open space for light and air, concentration of population, availability of public services & utilities, congestion of public streets and all other factors of the public safety, health, convenience & welfare including all purposes set forth in Sec. 1.03 heretofore.

B. In addition to other requirements of the ordinance, the planning commission in granting the approval of a conditional use, may stipulate other conditions it finds are necessary to carry out the intent of the ordinance. These stipulations may increase the required lot or yard, control the location & number of vehicular access points to the property, limit the number & location of signs, limit height and lot coverage of buildings, require screening & landscaping, or impose other requirements in keeping with the intent of this ordinance.

4.23 Expiration:

Approval of a conditional use shall expire after 1 year from date of final approval if construction has not commenced.

4.24 Revocation:

A. Failure to conform to requirements imposed by a conditional use shall be termed grounds to revoke the approval.

B. Revocation of a conditional use approval shall cause the owner to remove said use or be subject to penalties as set forth in section 5.40.

4.30 Variances:

The planning commission may permit and authorize a dimensional variance from the requirements of this ordinance only when unusual circumstances cause undue hardship in the application of the requirements. The Planning Commission is prohibited from granting a variance as to the use of the land.

4.31 A variance shall be made only when all of the following conditions and facts exist:

a. Unusual circumstances or conditions applying to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district.

b. That such variance is necessary for the preservation and enjoyment of substantial property right of the applicant as held by the owners of their properties in the same vicinity or district.

c. That the authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located.

d. That the granting of such variance will not adversely affect the realization of the Comprehensive Plan.

4.32 A variance so authorized shall become void after the expiration of one (1) year if no substantial construction has taken place.

The planning commission may impose whatever reasonable requirements it feels will fulfill the intent of this Ordinance.

4.40 NON CONFORMING USES:

A non-conforming structure or use may not be changed or altered in any manner except as provided herein, unless such change or alteration more nearly conforms with the regulations of the district in which it is located.

4.41 In case of destruction beyond reasonable repair by fire or other causes, the non-conforming use shall not be rebuilt unless it conforms to all requirements of the district in which it is located. "Destruction beyond reasonable repair" shall represent a repair and replacement cost of 50% or more of the true fair market value of the structure, immediately prior to the destruction.

4.42 If a non-conforming use is abandoned or discontinued for any reason for more than one (1) year, it shall not be re-established unless specifically approved by the Planning Commission.

4.43 Any non-conforming structure or use may be kept in good order through normal procedures of maintenance and necessary repairs.

4.44 Any structure or use for which a building permit or land use permit has been issued may be started within four (4) months after the effective date of this Ordinance though not conforming to these regulations.

4.50 TEMPORARY PERMITS:

Notwithstanding the limitations of use as established by this Ordinance in each of the several districts, the Planning Commission may issue temporary permits.

4.51 Temporary permits shall be valid for a period of not more than one (1) year after issuance.

4.52. Such permits shall be issued for structures or uses which are of a temporary nature such as:

(a) Storage of equipment during the building of roads or developments.

(b) Real estate office used for the sale of lots or housing in subdivisions, i.e. tract offices.

(c) Temporary storage of structures or equipment, including boats and trailers.

(d) Sheds used in conjunction with the building of a structure.

(e) Temporary housing.

(f) Other uses of a temporary nature when approved by the Planning Commission and the City Commission.

4.53 The Planning Commission may attach conditions it deems necessary in regard to the proposed use to carry out the intent and purpose of this Ordinance.

4.54 No temporary permit granted by the planning commission shall become operative until the city has received satisfactory written evidence that the temporary permit notice had been appropriately recorded in the deed records of Clatsop County, State of Oregon.

4.60 BOUNDARIES OF DISTRICTS:

District boundaries shall be the center line of either streets, alleys, waterways, or railroad rights-of-way, unless such boundaries are otherwise indicated on the Interim Zoning Map.

4.61 All existing railroad and utility easements, including power, telephone, gas and cable TV are deemed conforming to this ordinance.

4.70 ADMINISTRATION AND ENFORCEMENT:

It shall be the responsibility of the City Commission to administer and enforce the provisions of this Ordinance.

4.80 PERMITS:

Permits shall be required within the corporate city limits for the following purposes:

- (a) Erection of new structures
- (b) Alteration of existing structures
- (c) New land uses

In order to avoid possible error of description, the Planning Commission may require a land survey performed by a professional land surveyor or professional engineer as part of the application for a permit, temporary permit, or re-zoning application.

5.00 FEES:

Fees are chargeable to applicants for interim conditional uses; temporary permits; for filing of petitions to amend the Zoning Map or Ordinance; and for requests for variances, conditional uses, change in status or non-conforming uses, or exceptions, and upon any appeal thereof.

5.10 FEE SCHEDULE:

Fees are payable at the time of application or appeal and are non-refundable.

- 5.11 Amendments to the Zoning map
 - (a) By petition of property owners \$ 15.00
 - (b) By request of a public agency \$ 15.00
- 5.12 Amendments to the Ordinance
 - (a) By petition of property owners \$ 15.00
 - (b) By request of a public agency no charge
- 5.13 Temporary Permits \$ 15.00
- 5.14 Variance Requests \$ 15.00
- 5.15 Non-Conforming use, request for change ... \$ 15.00
- 5.16 Exceptions to the Ordinance \$ 15.00
- 5.17 Conditional Uses
 - (a) By petition of property owners \$15.00
 - (b) By public or eleemosynary institutions no charge
- 5.18 Other uses requiring a public hearing \$ 15.00

5.19 In addition, the fees due and payable at the time of the application shall include all reasonable costs to comply with the Ordinance, including but not limited to all publication costs and the costs of mailing the requisite notices.

5.20 Appeals - At the time of filing all reasonable costs to comply with this ordinance shall be paid by the appellants including those set forth in 5.19.

6.00 INTERIM ZONING DISTRICTS:

6.10 RESIDENTIAL DISTRICT

6..11 Uses Permitted Outright:

- a) Single family residences
- b) Agriculture, horticulture and forestry

6.12 Accessory Uses Permitted Outright:

- a) Residential garage or carport
- b) Private greenhouse
- c) Private storage buildings, barns and outbuildings
- d) Other uses determined by the Planning Commission to be of a similar accessory nature.

6.13 Conditional Uses: The following uses are permitted in a residential zone when authorized in accordance with the provisions of section 4.20 to 4.24.

- a) Duplex residences
- b) Apartment Dwellings
- c) Kennels
- d) Home Occupations
- e) Mobile home parks
- f) Government buildings, utilities and schools.

6.14 Standards:

- a) Minimum lot size
 - 1) When public water supply and public sewer are available, 10,000 square feet (Ord 565A). The minimum may be reduced to 5,000 sq feet upon approval of planning commission.
 - 2) When either public sewers or water are not available, lot size shall be established by the county sanitarian, with consent of the city.
- b) Minimum lot width
 - 1) For 10,000 square feet lots, minimum width shall be 75 feet (Ord 565A) at the building line.
 - 2) For all lots over 10,000 square feet, minimum width shall be 75 feet at the building line.
- c) Minimum lot depth:
 - 1) For all lots, 100 feet average depth shall be maintained.
- d) Minimum yards:
 - 1) front yard shall be 20 feet.
 - 2) Side yard shall be 5 feet, except on corner lots when it shall be 15 feet on the street side.
 - 3) Rear yard shall be 20 feet.
- e) Clear vision area - as per Section 6.50.
- f) Conditional use standards:
 - 1) Minimum lot areas for mobile home parks or apartment dwellings shall be 3000 square feet per unit.
 - 2) No conditional use for apartment dwellings or mobile home parks shall be approved unless the site is served by public sewer and water supply.

- 3) Additional standards of setbacks, landscaping, vehicle parking and access and other items designed to mitigate adverse impact upon surrounding properties may be required by the Planning Commission.
- 4) Mobile home park: The minimum area for a mobile home park shall be three areas. A plan for such a park must be submitted to the planning commission for its review; each plan will be considered by the planning commission on its own merits.
- g) Off-street parking
 - 1) Off-Street parking in the ratio of two spaces per dwelling unit shall be provided.
 - 2) Required yard areas shall not be utilized for provisions of off-street parking.
- h) Access:
 - 1) All lots in this district shall abut a dedicated public street.
 - 2) All lots in this district shall have a minimum of 25 feet of frontage on a dedicated public street.
- i) Height limits:
 - 1) No structure in this district shall have a height greater than 35 feet.
- j) Uniform Building Code Requirements. All dwelling units authorized under the residence section of this ordinance shall be placed on individual lots and must meet all requirements of the Uniform Building Code with regard to construction.

6.20 COMMERCIAL DISTRICT (C-1)

6.21 Uses Permitted Outright:

- a) All retail commercial uses conducted wholly within an enclosed building.
- b) Professional offices.
- c) All uses permitted in a residential district.

6.22 Conditional Uses: The following uses are permitted in a commercial zone when authorized in accordance with the provisions of Sections 4.20 and 4.24

- a) Service stations.
- b) Automobile sales, not in buildings.

- c) Lumber yard with outside storage.
- d) Billboards or signs not related to goods or services available on the premises.
- e) Other retail commercial uses not conducted wholly within an enclosed building.
- f) Motels and hotels.
- g) Government buildings and utilities.
- h) Mobile home sales, not in buildings.
- i) Mobile home parks, including overnight camping parks for recreational vehicles including campers and trailers.

6.23 Standards:

- a) Where the use adjoins or abuts a residential district (R-1), the commercial use shall provide setbacks equal to those of the residential district on the abutting or adjoining side.
- b) Maximum building height shall be 45 feet.

6.30 INDUSTRIAL DISTRICT (I-1)

6.31 Uses Permitted Outright:

- a) Manufacturing operations conducted wholly within an enclosed area, except those listed on conditional uses.
- b) Outside storage of raw material or finished products, when enclosed by a sight obscuring fence.
- c) Wholesale distribution or warehousing.
- d) All uses permitted in the residential and commercial districts.

6.32 Conditional Uses:

- a) Slaughter houses and meat packing.
- b) Auto wrecking, junk yard or scrap yard.
- c) Manufacturing of cement, concrete, lime, gypsum or fertilizer.
- d) Dumps, land fills or incinerators.
- e) Mining, construction or excavation of sand, gravel or minerals.
- f) Outdoor manufacturing or storage uses not enclosed by building or fences.

6.33 Standards:

- a) Setbacks:
 - 1) Minimum setback for an industrial use when it adjoins a residential district shall be 100 feet.

- b) Off-Street Parking:
 - 1) Off-street parking shall be provided in the ratio of 1 space for each two employees on the largest shift.
- c) Off-Street Loading:
 - 1) All loading and truck mauevering shall be on the site.
- d) Signs:
 - 1) Signs shall be limited to those relating to goods and services available on the premises and to necessary directional signs relating to traffic.
- e) Pollution Abatement:
 - 1) All uses must conform to all applicable standards or other governmental agency as set forth by the Oregon State Department of Environmental Quality.

6.50 Clear Vision.

In all zones vision clearance areas shall be maintained on a corner of property, at the intersection of two streets or a street and a railroad.

(a) A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

(b) A clear-vision area shall contain no planting, fence, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of ten feet above the grade.

(c) The following measurements shall establish clear-vision areas:

(1) In a residential (R-1) zone the minimum distance shall be 30 feet, or, at intersections including an alley, 10 feet.

(2) In all other areas where yards are required, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except that when the angle of intersection between streets, other than alley, is less than 30 degrees, the distance shall be 25 feet.

7.00 MINIMUM OFF-STREET PARKING SPACES REQUIRED.

Off-street parking shall be provided according to the following standards and regardless of the zone in which the use is located.

USE	STANDARD
A. Residential uses:	
1. Single family residences	- Two spaces for each dwelling unit.
2. Two family dwellings	- Two spaces for each dwelling unit.
3. Apartment dwelling	- Three spaces for each two dwelling units.
4. Residential hotel, rooming or boarding house	- One space for each guest accommodation.
5. Fraternity or Sorority houses.	- One space for each two occupants.
6. Hotel	- One space for each one guest room plus one space for each two employees.
7. Motel or tourist court	- One space for each guest room or suite plus one space for each two employees.
8. Club	- Clubs shall be treated as combinations of uses such as hotel, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.
9. Day Nursery (children)	- One space for every four children plus one space for each employee.
B. Institutions:	
1. Convalescent homes; Institutions for the aged; institutions for children; welfare or correction institutions.(full time care)	- A minimum of four spaces per use; in addition one space for each five beds for patients plus one additional space for each two employees.
2. Hospitals	- A minimum of six spaces per hospital, in addition one space for each two beds, including bassinets, plus one additional space for each two employees.

C. Public assembly

1. Church - A minimum of six spaces per church in addition, one for each six seats or twelve feet of bench length.
2. Library - One space for each four hundred square feet of gross floor area; plus one space for each two employees.
3. Auditorium or meeting rooms, except schools - A minimum of six spaces per assembly; in addition, one space for each six seats or twelve feet of bench length.
4. College, commercial - One space for each six seats in classrooms plus one space for each two employees.
5. Nursery schools, elementary or high schools - Two spaces per teacher; minimum of eight spaces per school; in addition, one space for each twelve seats or twenty-four feet of bench length in the auditorium or assembly room or, if none, the seating capacity plus one space for each two employees.
6. Passenger terminal (bus, air or rail) - One space for each five hundred square feet of gross floor area plus one space for each two employees.

D. Sports and commercial amusement:

1. Stadium or race track - One space for each four seats or eight feet of bench length.
2. Indoor arena or theater - One space for each four seats or eight feet of bench length.
3. Bowling alley - Five spaces for each alley, plus one space for each two employees.
4. Dance hall or skating rink - One space for each one hundred square feet of gross floor area, plus one space for each two employees.
5. Amusement park - One space for each one thousand square feet of gross area, plus one space for each two employees.

E. Commercial:

1. Retail stores including restaurant, cafe, tavern, night club but other than in item (2) below. - Minimum three spaces per use and in addition, one space for each five hundred square feet gross floor area, plus one space for each two employees.

- 2. Service or repair shop and retail store handling bulky merchandise, such as automobiles and furniture. - Minimum three spaces per use and in addition, one space for each five hundred square feet of gross floor area, plus one space for each two employees.
- 3. Commercial or professional office space - One space per five hundred square feet of floor area plus one space for each establishment plus one space for each two employees.

F. Industrial:

- 1. Wholesale or freight terminal (water, air, rail or trucking) - One space for each employee on the largest shift.
- 2. Storage - One space for each employee on the largest shift.
- 3. Manufacturing or processing - One space for each employee on the largest shift.

G. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

8:00 SPECIAL PROVISIONS:

8.10 Saving Clause:

If any article, section, sub-section, subdivision, phrase, clause, sentence, or word in this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this Ordinance, but shall be confined to the article, section, sub-section, subdivision, clause, sentence, or word so held invalid or unconstitutional.

8.20 Conflicting ordinances or resolutions:

All previously adopted ordinances, resolutions or parts thereof in conflict with this Ordinance, to the extent of such conflict and no farther, are hereby repealed. Ordinance No. 544 A is hereby repealed.

8.21 Ordinance No. 565 A is hereby repealed. Those previously enacted ordinances zoning certain sections of the city residential are deemed not in conflict with this ordinance and the zones thereby established are confirmed and ratified in all respects. Development subsequent to the effective date of the ordinance in those areas shall comply with the other provisions of this ordinance including set back, parking, clear-vision areas, etc.

8.22 New Residential Uses:

Commercial or Industrial districts are discouraged but are permitted at the risk of the contractor and owner. The contractor, realtor or seller shall advise any prospective purchaser that the residence is not in an exclusively residential zone and that Commercial or industrial development may subsequently occur nearby. A similar statement shall be provided commercial users in industrial districts.

8.30 Interpretation:

It shall be the duty of the Planning Commission to interpret this ordinance. These interpretations shall be in writing and shall be established as policy of the Planning Commission.

8.40 Violations and Penalties:

Violation of the provisions of this ordinance or any amendment thereto, or failure to comply with any of its requirements shall upon conviction constitute a misdemeanor and such violation shall be punished by a fine not to exceed \$100 or imprisonment in the county jail for a period not to exceed 60 days, 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.


Passed by the City Commission of the City of Warrenton this 18th day of December, 1972.

Signed and approved by the Mayor of the City of Warrenton this 18th day of December, 1972.



Mayor

ATTEST:



Auditor and Police Judge