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# ZONING REGULATIONS

## JOSEPHINE COUNTY



THE QUALITY OF TOMORROW  
BEGINS WITH WHAT WE DO TODAY

JOSEPHINE COUNTY  
ZONING REGULATIONS

This ordinance includes all amendments and corrections as of:

September 1, 1976

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SECTION 1. Title. This regulation shall be known as the "zoning regulation" of Josephine County.

SECTION 2. Purpose. The several purposes of this regulation are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open spaces for light and air; to lessen the congestion on streets; to give an orderly growth to the county; to prevent undue concentration 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; to promote public health, safety, convenience, and general welfare; and to carry out the goals and objectives specified in the Comprehensive Plan of Josephine County.

SECTION 3. Definitions. As used in this regulation, 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) Abutting. Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight (8) feet in a single direction.
- (2) Access. The means or way by which pedestrians or vehicles have entrance to and exit from a property.
- (3) Accessory structure or use. A building or use incidental, appropriate, and subordinate to the main use of the property, and which is located on the same lot with the main use.
- (4) Agriculture, farming, farm use. The current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any other agriculture or horticultural use or animal husbandry or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, or to the construction and use of dwellings customarily provided in conjunction with farm use. "Current Employment" of land for

farm use includes (A) land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, 70 Stat. 188); (B) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; and (C) land planted in orchards or other perennials prior to maturity. As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

- (5) Alley. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
- (6) Automobile Service Station. A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.
- (7) Automobile Wrecking Yard. Any property where two or more motor vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered, or stored in the open and are not to be restored to operation.
- (8) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- (9) Community Building. A facility owned and operated by a governmental agency or a non-profit community organization, provided that the primary purpose of the facility is for recreation, social welfare, community improvements or public assembly, and further provided that no permanent commercial eating or drinking facilities shall be operated on these premises.
- (10) County. Josephine County, Oregon.
- (11) Dwelling, Multi-Family. A building or buildings containing three or more dwelling units.
- (12) Dwelling, Single-Family. A detached building containing one dwelling unit.
- (13) Dwelling, Two-Family. A building or buildings containing two dwelling units.
- (14) Dwelling Group. A group of three (3) or more dwellings attached or detached located on a parcel of land in one ownership and having any yard or court in common.
- (15) Dwelling Unit. One or more rooms designed for occupancy by one family and having not more than one cooking facility.

- (16) Family. An individual or two or more persons related by blood, marriage, adoption, legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons, living together as one housekeeping unit using one kitchen.
- (17) Fence, sight-obscuring. Consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.
- (18) Floor area. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including attic space providing headroom of less than seven feet, or basement if the floor above is less than six feet above grade.
- (19) Frontage. All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street, or if the street is dead ended then all the property abutting on one side between a street intersection and the dead end of the street.
- (20) Grade (ground level). The average of the finished ground level at the center of all walls of the building. In case walls are parallel to and within five feet of a sidewalk, the ground level should be measured at the sidewalk.
- (21) Guest House. An accessory building with no kitchen or kitchen facilities; and/or travel trailer designed, constructed and used for the purpose of providing temporary (less than 4 months) living accommodation for guests, or for members of the same family as that occupying the main structure.
- (22) Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the average height of the highest gable of a pitch or hip roof, or to the deck line of a mansard roof.
- (23) Home Occupation. An occupation carried on by a resident(s) of the property on which the business is located in connection with which there is no person employed except that one person may be hired on a temporary (less than 4 months a year) basis to meet a seasonal demand of a business. This provision is intended to permit businesses where service is rendered on the property, provide a location for a salesman to store his goods or where the occupation of the resident is such that at certain times there is a need to have equipment stored or assembly or construction occurring on the property. There shall be no stock or goods displayed or sold on the premises except those which are clearly incidental to the pursuit of a

hobby such as painting, ceramics, woodworking, etc. In as far as practicable the business shall not give an outward appearance of a business. The business shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.

- (24) Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.
- (25) Hotel. A building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation and in which no provision is made for cooking in individual rooms or suites of rooms.
- (26) Junk Yard. Any property where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling of any scrap, waste material or junk.
- (27) Kenel. A lot or building in which four or more dogs, cats, or other domestic animals at least nine months of age are kept commercially for board, propagation, training or sale.
- (28) Lot. A parcel or tract of land.
- (29) Lot Area. The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements of access to other property.
- (30) Lot, Corner. A lot abutting on two or more streets, at their intersection.
- (31) Lot Depth. The average horizontal distance between the front lot line and the rear lot line.
- (32) Lot, Interior. A lot other than a corner lot.
- (33) Lot Line. The property line bounding a lot.
- (34) Lot Line, Front. The property line separating the lot from the street. In the case of a corner lot, the shortest property line along a street.
- (35) Lot Line, Rear. A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
- (36) Lot Line, Side. Any property line not a front or rear lot line.
- (37) Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines.

- (38) Mobile home. A vehicle or structure designed to be towed on the public highways, that has sleeping, cooking and plumbing facilities, is intended for permanent human occupancy, and has a floor space of more than 220 feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.
- (39) Mobile home park. A place where two or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership and are used for human occupancy.
- (40) Motel or auto court. A building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.
- (41) 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 district in which it is located.
- (42) Parking space. An enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street by a surfaced driveway which affords ingress for automobiles.
- (43) Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
- (44) Planning commission. The Planning Commission of Josephine County, Oregon.
- (45) Planning director. The Planning Director of Josephine County, Oregon.
- (46) Professional office. The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.
- (47) Sign. An identification, description, symbol, design, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign other than two surfaces parallel and back to back on the same structure shall be considered a sign.

- (48) Sign, advertising. A sign which directs attention to or identifies a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.
- (49) Sign, business. A sign which directs attention to or identifies a business, profession, service, product, activity, or entertainment, conducted, sold or offered upon the premises where such sign is located.
- (50) Silviculture. Systematic management for the production of trees.
- (51) Story. That portion of a building included between the upper surface of any floor and the upper 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, each basement or cellar shall be considered a story.
- (52) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road", "highway", "drive", "lane", "place", "avenue", "alley", or other similar designation.
- (53) Structural alteration. Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change in the roof or in the exterior walls.
- (54) 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 jointed together in some manner and which requires location on the ground or which is attached to something having a location on the ground.
- (55) Travel trailer. A portable structure, self-propelled or designed to be towed behind a motor vehicle, used for travel, recreation or vacation uses and usually not more than 8 feet wide.
- (56) Travel trailer park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

- (57) Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
- (58) Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this regulation.
- (59) Yard, front. A yard between side lot lines measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
- (60) Yard, rear. A yard between side lot lines measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.
- (61) Yard, side. A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear lot line.

SECTION 4. Compliance with Regulation 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 regulation.

SECTION 5. Classification of Districts. For the purposes of this regulation the following zoning districts are established:

<u>District</u>	<u>Abbreviated Designation</u>
Exclusive Farming	EF
Forest Resource	FR
Floodway	FW
Wild River	WR
Suburban Residential	SR-1
Suburban Residential	SR-2.5
Suburban Residential	SR-5
Urban Residential	R-1
Restricted High Density Residential	R-2
High Density Residential	R-3
Limited Commercial	LC
General Commercial	GC
Industrial Park	IP
Light Industrial	LI
Heavy Industrial	HI

SECTION 6. Zoning Map.

- (1) The locations and boundaries of the districts designated in Section 5 are shown on the map of Josephine County dated with the effective date of this regulation, signed by the Board of County Commissioners and the County Clerk and hereafter referred to as the "zoning map".
- (2) The original signed copy of the zoning map shall be maintained without change on file in the office of the County Clerk and is hereby made a part of this regulation.

SECTION 7. District Boundaries. Unless otherwise specified, district boundaries are lot lines, the center line of streets, and railroad right of way, or such lines extended. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary provided the boundary adjustment is for a distance of less than 30 feet. If the adjustment involves a distance of more than 30 feet, the procedure for a zone change shall be followed.

EXCLUSIVE FARMING DISTRICT EF

SECTION 8. Uses Permitted. In an EF District the following uses and their accessory uses are permitted:

- (1) Agriculture, farming, farm use
- (2) Public or Private Schools
- (3) Churches
- (4) The propagation or harvesting of a forest product.
- (5) Utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- (6) The dwellings and other buildings customarily provided in conjunction with farm use.

SECTION 9. Lot and Yard Requirements.

- (1) The minimum lot size for all permitted uses except agriculture shall be one acre; agricultural uses shall maintain a 40-acre minimum lot size. However, a request may be made for a division of land to create one or more parcels less than 40 acres. Any such request must be submitted in the same manner as a zone change including the filing fee and as more particularly spelled out in Section 79-81 of this Ordinance. No such division may be made unless the Board finds that the division is in conformity with the following statement of intent for exclusive farm areas.
  - (a) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic, and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
  - (b) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state for the assurance of adequate, healthful, and nutritious food for the people of this state and nation.

- (c) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
- (d) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.

This section shall not apply to land divided by lien foreclosure or court ordered partitioning, including but not limited to partitioning by testate or intestate succession, or to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.

- (2) The minimum lot width at the building line for all permitted uses except agriculture shall be 150 feet.
- (3) No building shall be constructed closer than 30 feet to a property line.
- (4) No building shall be constructed closer than 60 feet to a center line of a street.

#### SECTION 10. Special Provisions

- (1) The following non-farm uses may be established in an Exclusive Farm Zone, subject to a public hearing and approval or approval with conditions by the Board of County Commissioners. Notice of the public hearing shall be given as required by Section 81 of this Ordinance.
  - (a) Commercial activities that are in conjunction with farm use.
  - (b) Operations conducted for the exploration mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources.
  - (c) Private parks, playgrounds, hunting, and fishing preserves and campgrounds.

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- (d) Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
  - (e) Golf courses.
  - (f) Combined utility facility for purpose of generating power for public use by sale.
- (2) Single family residential dwellings, not provided in conjunction with farm use, may be established, subject to the approval or approval with conditions of the Board of County Commissioners, in any area zoned for Exclusive Farm use upon a finding by the Board of County Commissioners that each such proposed dwelling:
- (a) Is compatible with farm uses and is consistent with the intent and purposes of the Exclusive Farm Use Zone and
  - (b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use and
  - (c) Does not materially alter the stability of the overall land use pattern of the area and
  - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the tract and
  - (e) Complies with such other conditions as the Board of County Commissioners considers necessary.

In considering a request for a single family use, the Board shall first receive a recommendation from the Planning Commission provided that a public hearing is first held in the manner set forth in Section 81 of this Ordinance.

FOREST RESOURCE DISTRICT FR

SECTION 11. Uses Permitted. In an FR District the following and their accessory uses are permitted:

- (1) Agriculture.
- (2) Single-family dwelling including mobile home.
- (3) Mining, mining exploration and mining claims. (Subject to Section 13),
- (4) Logging and timber harvest operations.
- (5) Grazing of cattle, sheep, goats, and horses.
- (6) Utility facilities.
- (7) Public or private recreational facilities.
- (8) Planned development subject to the provisions of Sections 50 thru 52.

SECTION 12. Lot and Yard Requirements.

- (1) The minimum lot size shall be 10 acres, except utility facilities may be maintained on a minimum of one acre.
- (2) No building shall be constructed closer than 30 feet to a property line except an accessory structure may be located no less than 10 feet to a side or rear property line.
- (3) No building shall be constructed closer than 60 feet to a center line of a street.
- (4) The minimum lot width at the building line shall be 300 feet.

SECTION 13. Special Provisions. Any mining operation intending to denude the vegetation, strip mine, remove overburden, or deposit tailings on an area greater than 5 acres must first receive approval from the Planning Commission. The Planning Commission shall consider the matter at a public hearing with notice given as per Section 81 of this regulation.

FLOODWAY DISTRICT FW

SECTION 14. Uses Permitted. In an FW district the following uses and their accessory uses are permitted:

- (1) Agriculture, excluding residential uses.
- (2) Non-commercial park or playground.
- (3) Golf course or driving range; excluding miniature golf or a similar activity which utilizes intensive development on a relatively small parcel of ground.
- (4) Utility facilities necessary for public service.
- (5) Boat landing and docks.
- (6) Landing strip.
- (7) Sand and gravel removal operations; crushing of gravels for not more than 180 working days in any one calendar year and provided the crushing operation is of a portable and temporary nature and further provided that the location of the crusher is at least 1000 feet from a residential zone. Any removal or crushing operation may only operate between the hours of 6:00 A.M. and 10:00 P.M.

SECTION 15. Lot and Yard Requirements.

- (1) No minimum lot size.
- (2) No building shall be constructed closer than 30 feet to a property line.

SECTION 16. Special Provisions.

Additional processing of gravels such as concrete and asphalt manufacturing may be permitted as a temporary use subject to a public hearing and approval by the Planning Commission. Notice of the public hearing shall be given as required in Section 81 of this regulation.

WILD RIVERS DISTRICT WR

SECTION 17. Uses Permitted. In a WR district the following uses and their accessory uses are permitted:

- (1) Any use receiving a Notice to Proceed from the State Highway Commission (Subject to Section 19 (1)) or any use allowed outright under the rules and regulations of the State Scenic Waterways Act.

SECTION 18. Lot and Yard Requirements.

- (1) Where lots have frontage on the river and/or where the whole lot is readily visible from any point on the river the:
  - (a) Minimum lot size shall be 5 acres.
  - (b) Minimum lot width along the river shall be 660 feet; for lots not having frontage on the river, 500 feet.
  - (c) Minimum lot depth shall be 300 feet.
- (2) Where lots have frontage on the river and/or where the actual building site is not readily visible from any point on the river the:
  - (a) Minimum lot size shall be determined by the use of percolation tests, soil analysis, existing septic tanks in the area and other indicative factors.
  - (b) Minimum lot width shall be governed by the lot size and the provisions of Section 21.
- (3) No building shall be constructed closer than 30 feet to a property line.
- (4) No building shall be constructed closer than 60 feet to the center line of a street.

SECTION 19. Special Provisions.

- (1) Any use other than those permitted in the Suburban Residential District (SR-5) or new roads shall also be subject to a public hearing and approval by the Planning Commission regardless of whether the use has received a Notice to Proceed from the State Highway Commission. Notice of the public hearing shall be given as required in Section 81 of this regulation.

(2) Whenever a lot containing less than 2.5 acres is intended to be used for the keeping of animals the following limitations shall apply:

(a) Horses, cows, ponies, and similar animals shall be limited to 4 animals per acre of usable pasturage.

(b) Goats or sheep shall be limited to 8 animals per acre of usable pasturage.

Keeping of swine, kennels, poultry husbandry, rabbitry or apiaries on a parcel less than 2.5 acres may be permitted in the Wild Rivers District, subject to a public hearing and approval by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this regulation.

SUBURBAN RESIDENTIAL DISTRICTS SR-1, SR-2.5, SR-5

SECTION 20. Uses Permitted. In the SR-1, SR-2.5, and SR-5 districts, the following uses and their accessory uses are permitted:

- (1) Agriculture. (Subject to Section 22 (2).)
- (2) Single-family dwelling including mobile home.
- (3) Home occupation.
- (4) Planned Development subject to the provisions of Sections 50 thru 52.

SECTION 21. Lot and Yard Requirements. In order to recognize the various characteristics and qualities of the soils in Josephine County, to provide for rural environments, and to lessen congestion in the county the minimum lot sizes in the suburban residential districts shall be as follows:

- (1) SR-1 - areas indicated on the zoning map as SR-1 shall require a minimum area of 1 acre per lot.
- (2) SR-2.5 - areas indicated on the zoning map as SR-2.5 shall require a minimum area of 2.5 acres per lot.
- (3) SR-5 - areas indicated on the zoning map as SR-5 shall require a minimum area of 5 acres per lot.
- (4) These lot size criteria are minimums and where soil conditions are found to be unsatisfactory for adequate percolation, the County Sanitarian may specify a higher minimum lot size.
- (5) The minimum lot width at the building line shall be as follows:
  - (a) SR-1 minimum 150 feet
  - (b) SR-2.5 minimum 250 feet
  - (c) SR-5 minimum 300 feet
- (6) The front yard shall be at least 30 feet.
- (7) The side yard shall be at least 10 feet.
- (8) The rear yard shall be at least 20 feet.
- (9) No building shall be constructed closer than 60 feet to a center line of a street.

SECTION 22. Special Provisions.

- (1) The following uses may be permitted in the Suburban Residential District, subject to a public hearing and approval or approval with conditions by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this ordinance.
  - (a) Aircraft landing strip.
  - (b) Sand and gravel removal, crushing or screening.
  - (c) Government structure or use.
  - (d) Church.
  - (e) School or college.
  - (f) Community building.
  - (g) Golf course, excluding miniature golf course, driving range, or a similar activity which utilize intensive development on a relatively small parcel of ground.
  - (h) Cemetery.
  - (i) Utility facility necessary for public service.
  - (j) Commercial and non-commercial open land or resort-type residential uses as fishing camps, retirement developments, vacation farms and camps, dude ranches, and holiday resort establishments.
  - (k) A second dwelling on a lot, subject to the following conditions:
    - a. The second dwelling must be occupied by parent, grandparent, brother, sister, son or daughter of the record owner. Other relationships may be allowed by the Planning Commission when individual circumstances warrant such action.
    - b. The circumstances relating to the necessity for the second dwelling must establish either a health condition necessitating constant attention by the record owner, or in the case of a son or daughter, an economic hardship, in which event, the permit shall not exceed nine (9) months in duration. The fact that someone has attained the age to retire from active work is not a sufficient justification for applying for this provision.

- c. The property owner must enter into an agreement with the County verifying the facts, acknowledging the conditions of approval, and promising immediate removal of the second dwelling unit upon termination of the circumstances justifying approval.
- (2) Whenever a lot containing less than 2.5 acres is intended to be used for the keeping of animals, the following limitations shall apply:
- (a) Horses, cows, ponies, and similar animals shall be limited to 4 animals per acre of usable pasturage.
  - (b) Goats or sheep shall be limited to 8 animals per acre of usable pasturage.

Keeping of swine, kennels, poultry husbandry, rabbitry, or apiaries on a parcel less than 2.5 acres may be permitted in the Suburban Residential Districts, subject to a public hearing and approval by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this regulation.

URBAN RESIDENTIAL DISTRICT R-1

SECTION 23. Uses Permitted. In an R-1 district the following uses and their accessory uses are permitted:

- (1) Single-family dwelling including mobile home.
- (2) Agriculture. (Subject to Section 25 (2).)
- (3) Planned development subject to the provisions of Sections 50 thru 52.

SECTION 24. Lot and Yard Requirements.

- (1) The minimum lot size shall be 8,000 square feet provided both public water supply and public sanitary sewers are available for use. Under other conditions, the Planning Commission shall establish the minimum lot area but in no case shall it be less than 8,000 square feet.
- (2) The minimum lot size per family shall be 8,000 square feet.
- (3) The minimum lot width at the building line shall be 60 feet.
- (4) The front yard shall be at least 20 feet.
- (5) The side yard shall be at least 6 feet and 10 feet. The side yard on the street side of a corner lot shall be at least 20 feet.
- (6) The rear yard shall be at least 20 feet for the main dwelling and 6 feet for accessory buildings.
- (7) Buildings housing animals, except household pets, shall be at least 40 feet from any property line.
- (8) No building shall be constructed closer than 50 feet to a center line of a street.

SECTION 25. Special Provisions.

- (1) The following uses may be permitted in the Urban Residential District, subject to a public hearing and approval or approval with conditions by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this ordinance.
  - (a) Duplexes on a minimum lot size of 12,000 square feet.

- (b) Church.
  - (c) School.
  - (d) Government structure or use.
  - (e) Community building.
  - (f) Utility facility necessary for public service.
  - (g) Home occupation.
- (2) Whenever a lot containing less than 2.5 acres is intended to be used for the keeping of animals the following limitations shall apply:
- (a) Horses, cows, ponies, and similar animals shall be limited to 4 animals per acre of usable pasturage.
  - (b) Goats or sheep shall be limited to 8 animals per acre of usable pasturage.

Keeping of swine, kennels, poultry husbandry, rabbitry or apiaries on a parcel less than 2.5 acres may be permitted in the Urban Residential District, subject to a public hearing and approval by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this regulation.

RESTRICTED HIGH DENSITY RESIDENTIAL DISTRICT R-2

SECTION 26. Uses Permitted. In an R-2 district the following uses and their accessory uses are permitted.

- (1) Uses permitted in an R-1 district.
- (2) Two family use.
- (3) Multi-family use.
- (4) Church.

SECTION 27. Lot and Yard Requirements.

- (1) The minimum lot size for single and two family uses shall be 6,000 square feet for lots existing on the date of passage of this regulation. A lot having an area less than 6,000 square feet on the date of passage of this regulation may only be occupied by uses permitted in the R-1 district.
- (2) The minimum lot size for a three family use on any new lot shall be 8,000 square feet where water and sewer are available and 10,000 square feet where just sewer is available. The minimum lot size shall be increased by 2,000 square feet for each additional dwelling unit.
- (3) The minimum lot width at the building line shall be 60 feet.
- (4) The front yard shall be at least 10 feet.
- (5) The side yard shall be at least 6 feet and 10 feet. This distance shall be increased by 1/2 foot for each foot the building height exceeds 25 feet.
- (6) The rear yard shall be at least 10 feet for the main dwelling and 6 feet for accessory buildings.
- (7) The building height shall not exceed 45 feet.
- (8) No building shall be constructed closer than 40 feet to a center line of a street.

SECTION 28. Special Provisions.

- (1) The following uses may be permitted in the Restricted High Density Residential District, subject to a public hearing and approval or approval with conditions by the Planning Commission. Notice of the public hearing shall be given as required by Section 31 of this ordinance.

- (a) School.
  - (b) Government structure or use.
  - (c) Community building.
  - (d) Utility facility necessary for public service.
- (2) Prior to the issuance of a building permit or a zoning clearance permit the Planning Director shall examine the proposed development plan and may make requirements relating to ingress and egress, parking, signs, landscaping, site screening and other factors relating to the general compatibility of the proposed use with the community.

## HIGH DENSITY RESIDENTIAL DISTRICT R-3

SECTION 29. Uses Permitted. In an R-3 district the following uses and their accessory uses are permitted.

- (1) Uses permitted in an R-2 district.
- (2) Professional office.
- (3) Club, lodge or fraternal organization.
- (4) Mobile home park on minimum of 5 acres with a maximum density of 8 mobile homes per gross acre of developed area.
- (5) Boarding, lodging or rooming house.
- (6) School.
- (7) Community building.

SECTION 30. Lot and Yard Requirements.

- (1) The minimum lot size for single and two family uses shall be 6,000 square feet for lots existing on the date of passage of this regulation. A lot having an area less than 6,000 square feet on the date of passage of this regulation may only be occupied by uses permitted in the R-1 district.
- (2) The minimum lot size for a three family use on any new lot shall be 8,000 square feet where water and sewer are available and 10,000 square feet where just sewer is available. The minimum lot size shall be increased by 2,000 square feet for each additional dwelling unit.
- (3) The minimum lot width at the building line shall be 60 feet.
- (4) The front yard shall be at least 10 feet.
- (5) The side yard shall be at least 6 feet and 10 feet. This distance shall be increased by  $\frac{1}{2}$  foot for each foot the building height exceeds 25 feet.
- (6) The rear yard shall be at least 10 feet for the main dwelling and 6 feet for accessory buildings.
- (7) The building height shall not exceed 45 feet.
- (8) No building shall be constructed closer than 40 feet to a center line of a street.

SECTION 31. Special Provisions.

- (1) The following uses may be permitted in the High Density Residential District, subject to a public hearing and approval or approval with conditions by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this ordinance.
  - (a) Government structure or use.
  - (b) Utility facility necessary for public service.
  - (c) Nursing and Convalescent Homes.
- (2) Prior to the issuance of a building permit or a zoning clearance permit the Planning Director shall examine the proposed development plan and may make requirements relating to ingress and egress, parking, signs, landscaping, site screening and other factors relating to the general compatibility of the proposed use with the community.

LIMITED COMMERCIAL DISTRICT LC

SECTION 32. Uses Permitted. In a LC district the following uses and their accessory uses are permitted:

- (1) Uses permitted in an R-3 district.
- (2) Bakery.
- (3) Barber or beauty shop.
- (4) Confectionery.
- (5) Drug store.
- (6) Florist, garden shop or nursery.
- (7) Food store.
- (8) Laundry or dry cleaning, self-service operation and/or distribution station.
- (9) Professional office.
- (10) Shoe sales or repair shop.
- (11) Automobile service station including minor repairs.
- (12) Clothing store.
- (13) Bank.
- (14) Dry goods or notions store.
- (15) Hardware or paint store.
- (16) Jewelry store.
- (17) Restaurant or tavern.
- (18) Toy or hobby store.
- (19) Variety store.
- (20) Travel trailer park.
- (21) Hotel or motel.
- (22) Government structure or use.
- (23) Utility facility necessary for public service.
- (24) Miniature golf course.
- (25) Frozen food locker

SECTION 33. Lot and Yard Requirements

- (1) The minimum lot size shall be 6,000 square feet.
- (2) The front yard shall be at least 15 feet and shall be continuously maintained as a landscaped open space except for necessary ingress and egress drives and walks.
- (3) The side yard abutting on a non-commercial or non-industrial district shall be at least 10 feet.
- (4) The rear yard abutting on a non-commercial or non-industrial district shall be at least 10 feet.
- (5) No building shall exceed a height of 45 feet.
- (6) No building shall be constructed closer than 45 feet to a street center line.

SECTION 34. Special Provisions

- (1) A veterinary clinic may be permitted in the Limited Commercial District, subject to a public hearing and approval or approval with conditions by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this ordinance.
- (2) Items produced, or wares and merchandise handled, shall be limited to those sold at retail on the premises.
- (3) All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - (a) Off-street parking or loading.
  - (b) Drive-in windows.
  - (c) Nursery stock enclosed by a screening fence.
- (4) Prior to the issuance of a building permit or a zoning clearance permit, the Planning Director shall examine the proposed development plan and may make any requirements relating to ingress and egress, parking, signs, landscaping, site screening and other factors relating to the general compatibility of the proposed use with the community.

TOURIST COMMERCIAL DISTRICT TC

SECTION 35 Uses Permitted. In a TC District the following uses and their accessory uses are permitted:

- (1) Existing residential uses without any increase in density.
- (2) Barber shop.
- (3) Beauty shop.
- (4) Gift shop.
- (5) Hotels and motels.
- (6) Restaurants (not including drive-in restaurants) cafes, bars, cocktail lounges, including entertainment.
- (7) Self-service laundry and self-service cleaning establishments.

SECTION 36 Lot and Yard Requirements.

- (1) No minimum lot size.
- (2) The front yard shall be at least 10 feet and shall be continuously maintained as a landscaped open space except for necessary ingress and egress drives and walks.
- (3) The side yard abutting on a non-commercial or non-industrial district shall be at least 10 feet.
- (4) The rear yard abutting on a non-commercial or non-industrial district shall be at least 10 feet.
- (5) No building shall exceed a height of 45 feet.
- (6) No building shall be constructed closer than 45 feet to a street center line.

SECTION 37 Special Provisions.

- (1) The following uses may be permitted in the Tourist Commercial District, subject to a public hearing and approval, or approval with conditions by the Planning Commission. Notice of the public hearing shall be given as required by Section 81 of this ordinance.
  - (a) Automobile sales, new (including used car sales and truck sales as part of a new car agency).
  - (b) Automobile repair conducted wholly within an enclosed building.
  - (c) Automobile service station.
  - (d) Drive-in restaurants.
  - (e) Government structure or use.
  - (f) Utility facility necessary for public service.
  - (g) Travel trailer parks provided no trailer exceeds 32 feet in length or remains on the site for more than 30 days.
- (2) All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except the following:
  - (a) Off street parking or loading.
  - (b) Drive-in windows.
- (3) Prior to the issuance of a building permit or a zoning clearance permit the Planning Director shall examine the proposed development plan and may make requirements relating to ingress and egress, parking signs, landscaping, site screening, and other factors relating to the general compatibility of the proposed use with the community.

GENERAL COMMERCIAL DISTRICT GC

SECTION 38. Uses Permitted. In a GC district the following uses and their accessory uses are permitted:

- (1) Uses permitted in a LC district.
- (2) Any retail, wholesale, or service commercial use not involving the manufacture, processing, or compounding of products other than what is clearly incidental to the business on the premises and which does not occupy more than 50 percent of the floor area of the building or 25 percent of the lot area.
- (3) Laboratory for experiment or research.
- (4) Commercial amusement or recreation use.
- (5) Wholesale business, storage, warehousing, transfer companies, and trucking companies.
- (6) Advertising sign.

SECTION 39. Lot and Yard Requirements.

- (1) No minimum lot size.
- (2) The front yard shall be at least 10 feet except when abutting a non-commercial or non-industrial district in which case the front yard requirement of the abutting district shall apply.
- (3) The side yard abutting a non-commercial or non-industrial district shall be at least 5 feet.
- (4) The rear yard abutting a non-commercial or non-industrial district shall be at least 10 feet.
- (5) No building shall exceed a height of 60 feet.
- (6) No building shall be constructed closer than 40 feet to a street center line.

SECTION 40. Special Provisions. Prior to the issuance of a building permit or a zoning clearance permit the Planning Director shall examine the proposed development plan and may make requirements relating to ingress and egress, parking, signs, landscaping, site screening and other factors relating to the general compatibility of the proposed use with the community.

INDUSTRIAL PARK DISTRICT IP

SECTION 41. Uses Permitted. In an IP district the following uses and their accessory uses are permitted:

- (1) A use involving manufacturing, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling, or storage provided that the use does not create a nuisance or a hazard to the health or property because of excessive noise, smoke, odor, or dust, or because it constitutes a fire, explosion, or other physical hazard. See Section 43.
- (2) Office use.
- (3) Residence for caretaker or watchman.
- (4) Government structures or uses.

SECTION 42. Lot and Yard Requirements.

- (1) No minimum lot size.
- (2) The front yard shall be at least 20 feet and shall be continuously maintained as a landscaped open space except for necessary ingress and egress drives and walks.
- (3) The side yard shall be at least 10 feet for structures less than 30 feet tall. For higher structures the side yard shall be increased one-half foot for each foot the structure exceeds 30 feet.
- (4) The rear yard shall be at least 20 feet.
- (5) No building shall be constructed closer than 50 feet to a street center line.

SECTION 43. Special Provisions.

- (1) Other uses may be permitted subject to a public hearing and approval by the Planning Commission. Notice of the public hearing shall be given as required in Section 81.
- (2) Certain permitted uses that the Planning Director determines as questionable uses for the property in question and which could have a detrimental effect on the other property within the zone or area involved may be denied upon determination by the Planning Commission at a public hearing that the proposed use would be inappropriate for the subject property. Notice of the public hearing shall be given as required in Section 81 of this regulation.

- (3) Materials shall be stored and grounds shall be maintained in a manner which will not create a health hazard or a condition of unsightliness.
- (4) All service, processing, and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone or a street or highway by a permanently-maintained, sight-obscuring fence at least six feet high or sight obscuring landscaping.
- (5) Access from a public street to properties in an IP zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential or other streets.
- (6) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.
- (7) Prior to the issuance of a building permit and zoning clearance permit the Planning Director shall examine the proposed development plan and may make requirements relating to ingress and egress, parking, signs, landscaping, site screening and other factors relating to the general compatibility of the proposed use with the community.

LIGHT INDUSTRIAL DISTRICT LI

SECTION 44. Uses Permitted. In a LI district the following uses and their accessory uses are permitted.

- (1) Business office or commercial service business.
- (2) Eating or drinking establishment.
- (3) Veterinary clinic or kennel.
- (4) Automobile service station.
- (5) Wholesale distribution and sales.
- (6) Trucking terminal.
- (7) Advertising sign.
- (8) Radio or television transmitter or tower
- (9) Residence for caretaker or watchman.
- (10) Government structure or use.
- (11) Public utility facility.
- (12) Any manufacturing, research, sales, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling, or storage use except those specifically listed in the HI district.
- (13) Other uses which the Commission may find to be similar to those listed or not inconsistent with the LI district.

SECTION 45. Lot and Yard Requirements.

- (1) No minimum lot size.
- (2) No front yard requirement except when abutting a non-commercial or non-industrial district in which case the front yard requirement of the abutting district shall apply.
- (3) No side or rear yard requirements except when abutting a non-commercial or non-industrial district in which case the side or rear yard shall be at least 10 feet.

SECTION 46. Special Provisions. Prior to the issuance of a building permit or a zoning clearance permit the Planning Director shall examine the proposed development plan and may make requirements relating to ingress and egress, parking, signs, landscaping, site screening and other factors relating to the general compatibility of the proposed use with the community.

## HEAVY INDUSTRIAL DISTRICT HI

SECTION 47. Uses Permitted. In a HI district the following uses and their accessory uses are permitted.

- (1) Uses permitted in a LI district.
- (2) Concrete ready-mix or asphalt plant.
- (3) Lumber, plywood, hardboard manufacturing or other wood processing operations.
- (4) Petroleum refining or petroleum by-product manufacturing.
- (5) Rendering plant, tannery and stock auction yard.
- (6) Smelting or refining of ores.
- (7) Explosive storage or manufacture.
- (8) Wrecking yard or junk yard.
- (9) Paper or allied products manufacturing.
- (10) Rolling, drawing or extruding of metals.

SECTION 48. Lot and Yard Requirements.

- (1) No minimum lot size.
- (2) No front yard requirement except when abutting a non-commercial or non-industrial district in which case the front yard requirement of the abutting district shall apply.
- (3) No side or rear yard requirements except when abutting a non-commercial or non-industrial district in which case the side or rear yard shall be at least 10 feet.

SECTION 49. Special Provisions. Prior to the issuance of a building permit or a zoning clearance permit the Planning Director shall examine the proposed development plan and may make requirements relating to ingress and egress, parking, signs, landscaping, site screening and other factors relating to the general compatibility of the proposed use with the community.

## PLANNED DEVELOPMENT

SECTION 50. Purpose. The purpose of "planned development" is to permit the application of new technology and greater freedom of design in land development than may be possible under a strict interpretation of the provisions of Sections 8 through 49 of this regulation. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurances it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the development plan for the area.

SECTION 51. Standards and Requirements. The following standards and requirements shall govern the application of a planned development in a district in which it is permitted:

- (1) Standards governing area, density, yards, off-street parking or other requirements shall reflect the standards of the district that most nearly portray the intent of the use of the property as shown on the development plan for the area.
- (2) Planned development shall not be permitted on a parcel less than 5 acres in area.
- (3) Any commercial and industrial uses contained within a residential area shall be directly related in purpose and function to the remainder of the planned development and shall be subject to a change of zone as specified in Sections 79 through 84.
- (4) In a residential zone, where commercial and/or industrial uses are being developed in conjunction with residential uses, construction of such commercial or industrial uses shall not be initiated until 25% of the residential units have been developed.

SECTION 52. Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

- (1) An applicant shall submit five (5) copies of a preliminary development plan to the Planning Director at least 15 days prior to the Planning Commission meeting at which it will be discussed for study. The preliminary plan shall include the following information:
  - (a) Proposed land uses, building locations, type of construction, and housing unit densities.

- (b) Proposed circulation pattern indicating the status of street ownership, parking areas, type of surfacing, curbs, etc.
  - (c) Proposed open space uses, showing proposed landscaped areas.
  - (d) Proposed grading and drainage pattern.
  - (e) Proposed method of water supply, sewage disposal, and electrical facilities.
  - (f) Economic and supporting data to justify any proposed commercial and industrial elements in an area not so zoned.
  - (g) Relation of the proposed development to the surrounding area and the Comprehensive Plan.
- (2) At least 10 days prior to discussion of the plan at the planning commission meeting, copies shall be submitted by the planning director to the county sanitarian and the county engineer and any other agency that would have a direct interest in the development for study and comment.
- (3) The planning commission shall consider the preliminary development plan at a meeting at which time the findings of the sanitarian, engineer, and Planning Director shall also be considered. In considering the plan, the commission shall seek to determine that:
- (a) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard regulation requirements.
  - (b) Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
  - (c) The area around the development can be planned to be in substantial harmony with the proposed plan.
  - (d) The plan can be completed within a reasonable period of time.
  - (e) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
  - (f) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

- (4) If, in the opinion of the commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision.
- (5) In addition to the requirements of this section, the commission may attach conditions it finds are necessary to carry out the purposes of this regulation. These conditions may include, but are not limited to the following:
  - (a) Increasing the required setbacks.
  - (b) Limiting the height of buildings.
  - (c) Controlling the location and number of vehicular access points.
  - (d) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.
  - (e) Increasing the number of parking spaces and improving design standards for parking areas.
  - (f) Limiting the number, size, location, and lighting, of signs.
  - (g) Designating sites for open space and recreational development, and, in general improving landscaping requirements.
  - (h) Requiring additional view obscuring screening or fencing.
  - (i) Requiring performance bonds to assure that the planned development is completed as approved within the time limit as established by the Planning Commission.
  - (j) Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.
- (6) Before approving a planned development, the commission shall follow the procedure for considering an amendment as required in Sections 79 through 84.

- (7) Zoning Clearance permits or building permits in a planned development shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the commission for processing as an amendment to this regulation.
- (8) An approved planned development shall be identified on the zoning map by the symbol PD in addition to the existing zoning.

OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

SECTION 53. Standards and Requirements.

At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this regulation.

- (1) In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- (2) 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 Planning Commission in the form of deeds, leases or contracts to establish the joint use.
- (3) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. 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.
- (4) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees.
- (5) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.
- (6) Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height except where vision clearance is required.
- (7) Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four (4) inches high and set back a minimum of four and one-half (4½) feet from the property line.

- (8) Artificial lighting which may be provided for parking areas shall not create or reflect glare in a residential zone.
- (9) Required off-street parking areas shall not be provided in the required front or street side-yard areas.
- (10) Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
- (11) Loading of merchandise, materials or supplies. Buildings or structures which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- (12) Off-street parking space requirements:
- |  |  |
|--|--|
| (a) Dwelling:                            | One and one-half space for each dwelling unit.   |
| (b) Mobile home park:                    | One and one-half space for each space.   |
| (c) Motel, hotel, or resort:             | One space for each guest accommodation.  |
| (d) Hospital:                            | One and one-half spaces per bed.   |
| (e) Nursing home or similar institution: | One space for each three beds.   |
| (f) Places of assembly:                  | One space per 4 seats or 8 feet of bench length in the main auditorium. If no permanent seats are provided, one space per 35 square feet of floor area used for meeting rooms. |
| (g) Bowling alley:                       | Ten spaces per alley   |
| (h) Dance hall, skating rink             | One space per 100 square feet of floor area.   |

- (i) Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1500 square feet gross floor area or less. One space per 100 square feet of floor area.
- (j) Supermarkets; grocery stores:
  - 4000 square feet or less One space per 150 square feet of floor area.
  - 4001 square feet and over One space per 75 square feet of floor area.
- (k) Bulk Retail Grocery Stores: One space per 200 square feet of floor area.
- (l) Service or repair shops, retail stores and outlets selling furniture, automobiles, or other bulky merchandise occupies the major area of the building. One space per 600 square feet of floor area.
- (m) Bank, office (except medical and dental): One space per 500 square feet floor area plus one space per two employees.
- (n) Medical and dental office or clinic: One space per 200 square feet of floor area plus one space per two employees.
- (o) Eating or drinking establishments: One space per 200 square feet of floor area.
- (p) Manufacturing establishment: One space per 1000 square feet of floor area.
- (q) Storage warehouse; wholesale establishment; rail or trucking freight terminal: One space per 2000 square feet of floor area.
- (r) Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses.

## SIGN REQUIREMENTS

SECTION 54. General Requirements. The following requirements shall apply, regardless of the district in which a sign is located:

- (1) Light from a sign shall be directed away from a residence in a non-commercial or non-industrial zone.
- (2) If a building is erected on the front property line, a sign may be constructed flat on the face of the building, provided it extends no farther than 12 inches from the front wall, otherwise all signs shall be wholly within the property on which the sign is located.
- (3) Signs erected and maintained by or under authority of any federal, state, county, city, or public utility for the purpose of conveying information, warnings, distances, or directions are exempt from sign requirements.
- (4) Temporary political signs are permitted in accordance with state statutes.
- (5) No permanent or temporary signs shall be erected or placed in such a manner so that by reason of the position, shape or color of the sign, it may interfere with, obstruct the view or, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words "Stop", "Look", "Caution", "Warning", or any other phrase, word, or symbol in such a manner as to interfere with, mislead, or confuse traffic.
- (6) Signs shall be maintained in a neat, clean and attractive condition.
- (7) Signs shall be removed within 6 months after the business, product, or service is abandoned or no longer in use.
- (8) Advertising signs will be permitted along Interstate 5, U.S. Highway 199, and Oregon State Highway 238. Spacing and location of the signs shall be governed by the requirements of the State of Oregon. Such signs shall not identify anything other than a business or service within the county.

SECTION 55. Sign Requirements for the EF, FR, FW, SR-1, SR-2.5, SR-5 and R-1 Districts. The following signs are permitted in the EF, FR, FW, SR-1, SR-2.5, SR-5, and R-1 Districts:

- (1) One permanent sign for a building housing a main use, other than dwellings, which sign may be either an attached sign not exceeding 32 square feet or a free standing sign not exceeding 24 feet.
- (2) One permanent sign not exceeding 16 square feet for each subdivision or planned development, located at the principle entrance.
- (3) One temporary sign for subdivision not exceeding 32 square feet.
- (4) One temporary sign not exceeding 32 square feet advertising the sale of livestock, farm equipment, or agricultural products sold thereon. A seasonal produce sales stand may have two temporary signs not exceeding 24 square feet each.
- (5) One temporary real estate sign not exceeding 8 square feet for each street frontage.
- (6) One name plate or sign not exceeding 2 square feet for each dwelling or home occupation.
- (7) Signs shall not be illuminated by a flashing or intermittent light source, shall not have moving parts or rotate or contain any neon tubing.

SECTION 56. Sign Requirements for the R-2 and R-3 Districts. The following signs are permitted in the R-2 and R-3 districts.

- (1) The provisions of Section 55 shall also apply to the R-2 and R-3 districts.
- (2) Multi-family use, dwelling group, professional office, club, lodge, fraternal organization or mobile home park are permitted a sign not exceeding 24 square feet identifying the use.

SECTION 57. Sign Requirements for the LC District. The following signs are permitted in the LC District:

- (1) The provisions of Sections 55 and 56 also apply to the LC district.
- (2) Businesses permitted in the LC district may have business signs so long as the aggregate total of square feet of all signs, including free standing signs, do not exceed 50% of the gross area of the wall of the building facing the street or no greater than 200 square feet for a wall in excess of 400 square feet. These signs may contain non-flashing neon tubing.

- (3) No free standing business signs shall exceed 30 feet in height from the top of sign to the grade beneath the sign.
- (4) If a sign is attached to a building it shall not extend above the roof line or 30 feet in height, whichever is greater.
- (5) A sign identifying a group of businesses combined as a shopping center shall not contain the names of the individual businesses in the center and shall not contain more than 300 square feet. The area requirement for a shopping center sign is independent of the individual business sign areas.

SECTION 58. Sign Requirements for GC, LI, and HI Districts. The following signs shall be permitted in the GC, LI, and HI districts:

- (1) Signs in these zones may not exceed a height of 40 feet from top of sign to the grade beneath the sign.
- (2) No business shall have an aggregate total of sign areas in excess of 300 square feet.
- (3) Advertising signs must be no closer than 500 feet apart on the same side of the street or 250 feet on opposite sides of the street.

SECTION 59. Sign Requirements for the IP District. The following signs are permitted in the IP district:

- (1) No business shall have an aggregate total of sign areas in excess of 150 square feet and no sign shall be closer than 10 feet to a property line. If a sign is attached to a building it shall not extend above the roof line or 30 feet in height, whichever is greater.
- (2) Signs in this district may be illuminated but nonflashing and containing no neon tubing.
- (3) No free standing sign shall exceed 30 feet in height.

## NON-CONFORMING USES AND STRUCTURES

### SECTION 60. Continuation of a Non-Conforming Use or Structure.

Subject to the provisions of Sections 63 through 65, a non-conforming structure or use may be continued and maintained, but shall not be altered or extended without approval of the Planning Commission. Notice of any requested expansion or alteration shall be given as specified in Section 78(1)b. The extension of a non-conforming use to a portion of a structure which was arranged or designed for such use at the time of passage of this regulation is not an extension of a non-conforming use. A residence constructed at the time of the passage of this ordinance in a district prohibiting residential use shall not be subject to the provisions of Sections 60 through 65.

SECTION 61. Alteration of a Non-Conforming Structure. If a building or structure is non-conforming due to failure to comply with a yard or location requirement, and that building or structure is proposed to be altered or enlarged, any such alteration or enlargement may occur only to the extent that it conforms with all other requirements of this ordinance, and does not cause any further violation of the provision to which it is non-conforming.

### SECTION 62. Discontinuance of a Non-Conforming Use.

- (1) If a non-conforming 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 non-conforming use not involving a structure is discontinued from active use for a period of six months, further use of the property shall be for a conforming use.

SECTION 63. Change of a Non-Conforming Use. If a non-conforming use is changed, it shall be changed to a use conforming to the regulations of the district in which it is located, and after change, it shall not be changed back again to any non-conforming use.

SECTION 64. Destruction of a Non-Conforming Use. If a non-conforming structure, or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 60 percent of the value of the structure, a future structure or use on the property shall comply with the provisions for a conforming use in this district. The value of the structure for purposes of this section shall be listed by the assessor for the current year adjusted to true cash value.

SECTION 65. Completion of Structure. Nothing contained in this regulation shall require any change in the plans, construction, alteration, or designated use of a structure upon which construction has commenced prior to the adoption of this regulation, except that if the designated use will be non-conforming it shall, for the purpose of Section 64, be a discontinued use if not in operation within one year of the date of the passage of this regulation.

SUPPLEMENTARY PROVISIONS

Section 66. General Exceptions to Lot Size Requirements

- (1) The general lot size requirements of this ordinance shall not apply under the following circumstances:
  - (a) When a portion of a tax lot under single ownership is isolated from the remainder of the property by a street or county road.
  - (b) When a lot, or the aggregate of contiguous lots held in single ownership, was created and of record prior to passage of this regulation. For purposes of this subsection, "of record" shall mean and include the records of the County Clerk, County Assessor, County Health Department, County Surveyor, and any other records or documents which in the judgement of the Planning Commission satisfactorily demonstrate and fulfill the legitimate purpose of this ordinance.
- (2) All lots in a subdivision recorded since 1958 shall be considered as separate lots.
- (3) When the lot-size deficiency is entirely the result of a portion of the original parcel having been removed for public roadway purposes, or bonafide survey defects, the owner thereof may partition said parcel into two lots of nearly equal size, provided the soil evaluation is satisfactory, all other lot requirements are met, and the deficiency does not exceed the following minimum lot size requirements:

<u>Zone Designation</u>	<u>Minimum Lot Size</u>
FR	19.5 acres
SR-5	9.75 acres
SR 2.5	4.875 acres
SR-1	1.95 acres

For purposes of this subsection, the records of the County Assessor's Office shall be used to establish acreage figures, or an independent survey by a property owner.

SECTION 67. General Exceptions to Yard Requirements.

- (1) The following exceptions to the front yard requirement for a dwelling are authorized for a lot in the SR-1, SR 2.5, SR-5, EF, R-1, R-2, and R-3 districts:
  - (a) If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
  - (b) If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth.
  - (c) When an attached or detached garage is to be built on a lot having an average elevation at least ten (10) feet higher (or lower) than street level, the front of the garage may be located five (5) feet from the front property line or at the point where ground elevation is five (5) feet higher (or lower) than the street level, whichever is greater. The garage and driveway shall be constructed in such a manner as to minimize traffic hazards resulting from backing onto an adjacent street.
- (2) In a district where automobile service stations are permitted, freestanding gasoline pumps and pump islands, business signs, and lighting standards may occupy a required front or side yard, provided they are not less than 15 feet from the street line.
- (3) In any district a fence may be located on a property line, provided that a fence located in a required front yard or in a setback area bordering a street shall either be less than 3 feet in height or be non-sight-obscuring.

SECTION 68. General Exceptions to Structure Height Limitations.

The following types of structures or structural parts are not subject to the height limitations of this regulation: chimneys, cupolas, tanks, church spires, belfries, domes, silos, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, water towers, elevator shafts, and other similar projections.

SECTION 69. Height Exceptions for Public Buildings. Public, semi-public or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding 60 feet, and buildings for religious services may be erected to height not exceeding 75 feet, when permitted in a district with lower height regulations, provided the required yards are increased one foot for each foot of additional building height above the height regulations for the district.

SECTION 70. Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than 18 inches into a required yard.

SECTION 71. Access. Every lot shall abut a street, for a width of at least 25 feet, except lots that do not abut a street may be approved by the Planning Commission when the following conditions exist:

- (1) When the Planning Commission has approved the creation of an easement for access to a lot according to the provisions now or hereafter established in the subdivision regulations.
- (2) When a parcel of land is an isolated ownership where not more than two lots can be developed, or where access is by easement which has been created prior to the adoption of this section.

SECTION 72. Maintenance of Minimum Regulation Requirements. No lot area, yard, or other open space, existing on or after the effective date of this regulation shall be reduced in area, dimension or size below the minimum required by this regulation, nor shall any lot area, yard or other open space which is required by this regulation for one use be used as the lot area, yard or other open space requirement for any other use.

SECTION 73. Authorization of Similar Uses. The Planning Commission may rule that a use, not specifically named as an allowed use in a district, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion, in a district where it is not listed, of a use specifically listed in another district, unless an amendment to the zone is processed as specified in Sections 79 through 84.

## VARIANCES

SECTION 74. Authorization to Grant or Deny Variances. The Planning Commission may authorize variances from the requirements of this regulation where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this regulation 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 interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this regulation.

SECTION 75. Conditions for Granting a Variance. No variance shall be granted unless it can be shown that all of the following conditions exist and no variance request shall be accepted by the Planning Director for Planning Commission consideration unless he believes there is substantial compliance with the following conditions:

- (1) Exceptional or extraordinary conditions apply 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 regulation, 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 pattern or policy.
- (4) The variance requested is the minimum variance from the provisions and standards of this regulation which will alleviate the hardship and is not self-imposed.

SECTION 76. Variance Procedure. The procedures to be followed in applying for and acting on a variance shall be substantially the same as those provided in Sections 79 through 84 of this regulation.

SECTION 77. Fee. The fee for a variance shall be \$20.00.

SECTION 78. Time Limit on Approval of a Variance. Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the authorization may be extended for an additional six months on request to the Planning Commission.

AMENDMENTS TO THE ZONING REGULATION

SECTION 79. Authorization to Initiate Amendments. An amendment to the text or the zoning map of this regulation may be initiated by the Board of County Commissioners, by the Planning Commission, or by application of a property owner or his authorized agent. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within 40 days after the hearing, recommend to the Board of County Commissioners approval, disapproval, or modification of the proposed amendment.

SECTION 80. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the Planning Director five days prior to the Planning Commission meeting at which the proposal is to be first considered. The application shall be accompanied by a fee of \$35.00.

SECTION 81. Public Hearing on an Amendment. Before taking final action on a proposed amendment the Planning Commission shall hold a public hearing thereon. After receipt of the report on the amendment from the Planning Commission the Board of County Commissioners shall hold a public hearing on the amendment.

- (1) Notice of hearing. Notice of time and place of the public hearing before the Planning Commission and of the purposes of the proposed amendment shall be given by the secretary of the Planning Commission in the following manner:
  - (a) If an amendment to the text of this regulation is proposed, the notice shall be by three publications in a newspaper of general circulation in the county with the first notice published not less than 10 days prior to the date of hearing.
  - (b) If an amendment to the zoning map is proposed, the notice shall be by one publication in a newspaper of general circulation in the county not less than 10 days prior to the date of hearing and by mailing written notice, not less than 10 days prior to the date of hearing, to owners of property within the area enclosed by lines parallel to and 250 feet from the exterior boundaries of the property involved, using for this purpose the name and address of the record owners of property as shown upon the records of the County Assessor. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section.

- (c) The failure of the property owner to receive the notice described above shall not invalidate any zone 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 Board of County Commissioners. After the hearing and recommendations have been made by the Planning Commission, the Board of County Commissioners shall hold a public hearing on the proposed amendment. Notice of the hearing shall follow the same procedure as required in Section 81 for the Planning Commission hearing.

SECTION 82. Amendment Procedure. In considering an amendment to a zoning map the Planning Commission shall seek to determine the following:

- (1) That the change is in accord with the Comprehensive Plan for the area, and
- (2) That there has either been a substantial change in the character of the area since zoning was adopted, and which warrants changing the zone; or that the zoning adopted for the area was in error.

If the proposed change is not in accord with the Comprehensive Plan for the area, the Planning Commission and the Board of Commissioners shall seek to determine that an alteration of the plan can be justified on the basis that there has been a substantial change in the character of the area since the plan was adopted and which warrants a change in the plan, or that the plan adopted for the area was in error.

SECTION 83. Limitation. No application of a property owner for an amendment to the text of this regulation or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

SECTION 84. Record of Amendments. The signed copy of each amendment to the text and the map of this regulation shall be maintained on file in the office of the County Clerk. A record of such amendments shall be maintained in a form convenient for the use of the public.

SECTION 85. Resolution of Intent to Re-zone. If, from the facts presented and findings and the report and recommendations of the Planning Commission, as required by Section 81 hereof, the Board of County Commissioners determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the Board of County Commissioners may indicate its general approval in principal of the proposed re-zoning by the adoption of a "resolution of intent to re-zone" the area involved. This resolution shall include any conditions, stipulations or limitations, which the Board may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the Board may feel necessary to prevent speculative holding of the property after re-zoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the Board. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning or by imposing setback, area or coverage restrictions not specified in the Ordinance for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the Board shall by ordinance effect such re-zoning. The failure of the applicant to meet any or all conditions, stipulations, or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to re-zone null and void, unless an extension is granted by the Board upon recommendation of the Planning Commission.

ADMINISTRATION, ENFORCEMENT, AND INTERPRETATION

SECTION 86. Zoning Clearance Permit. No land, building or structure subject to the provisions of this regulation shall be used, changed in use, erected, moved, reconstructed, extended, enlarged, or altered without first obtaining a zoning clearance permit from the County Planning Director. If approval of the Planning Commission is required, the County Planning Director shall not issue the permit until such approval has been received.

SECTION 87. Enforcement. The County Planning Director shall have the power and duty to enforce the provisions of this regulation. An appeal from a ruling of the County Planning Director shall be made to the Planning Commission.

SECTION 88. Appeal to Board of County Commissioners. An action or ruling of the Planning Commission authorized by this regulation may be appealed to the Board of County Commissioners within 15 days after the Planning Commission has rendered its decision by filing written notice with the secretary of the Planning Commission. If no appeal is taken within the 15-day period, the decision of the Planning Commission shall be final. If an appeal is filed, the Board of County Commissioners 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 four days nor more than 10 days prior to the date of the hearing.

SECTION 89. Form of Petitions, Applications, and Appeals. All petitions, applications and appeals provided for in this regulation 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. All applications for permits 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 sizes and locations on the lot of the buildings and other structures, existing and proposed; and 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 regulation.

SECTION 90. Interpretation. The provisions of this regulation shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provisions of this regulation are less restrictive than comparable conditions imposed by any other provisions of this regulation or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

SECTION 91. Severability. The provisions of this regulation are hereby declared to be severable. If any section, sentence, clause, or phrase of this regulation is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this regulation.

SECTION 92. Penalty. Any person violating any of the provisions of this regulation shall be subject to the provisions of ORS 215.180, 215.185, and 215.990.

SECTION 93. Procedure.

- (1) Within ten (10) days after notification of a violation of this ordinance the Planning Director shall notify the property owner that such a violation exists.
- (2) Where the violation does not involve a structure, action to rectify such shall be made within thirty (30) days.
- (3) Where the violation involves a structure, action to rectify such shall be made within sixty (60) days.
- (4) If no action has been taken to rectify the violation within the specified time, the Planning Director will notify the District Attorney or County Counsel of such.
- (5) The District Attorney or County Counsel shall set the date for a hearing with the person violating this regulation and the Planning Director to consider whether subsequent legal action should be taken to rectify the violation, and if necessary, he shall take such legal action as required to insure compliance with this regulation.

SECTION 94. Effective Date. Inasmuch as the provisions herein contained are necessary for the preservation of peace, health, and safety of the inhabitants of all zoned areas within Josephine County, an emergency is hereby declared to exist and this regulation shall be in force and effect upon its enactment.