City of Union

ORDINANCE NO. 337

AN ORDINANCE TO DESIGNATE, REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENCE, BUSINESS, TRADE, INDUSTRY, AGRICULTURE, RECREATION AND OTHER PURPOSES; AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND REPEALING ORDINANCE NUMBERS 276 AND 288, AND DECLARING AN EMERGENCY.

The City of Union does ordain as follows:

SECTION 1. INTRODUCTION PROVISIONS AND DEFINITIONS

1.010 Title. This ordinance shall be known as the Zoning Ordinance of the City of Union and map herein referred to which is hereunto annexed and attached shall be known as the *Zoning Map of the City of Union*. Said map and all explanatory matter thereon are hereby adopted and made a part of the Zoning Ordinance.

1.030 Definitions. The following words and phrases when used in this ordinance shall have the meanings respectively ascribed to them in this Section, excepting in those instances where the context clearly indicates a different meaning. Words used in the present tense include the future; the singular number includes the plural; and the plural, the singular; the word "lot" includes the word "plot"; and the word "building" the word "structure". **(Section 1(1.030) Definitions, amended by Ordinance No. 369 on April 9, 1984.)**

1) **Access.** The way or means by which pedestrians and/or vehicles enter and leave property.

2) **Accessory structure**. An unattached structure incidental and subordinate to the main structure of a property and located on the same lot as the main structure.

3) **Accessory use**. A use incidental and subordinate to the main use of a property and located on the same lot as the main use.

4) **Agriculture**. see "Farm use".

5) **Alley**. A street which affords only a secondary means of access to property.

6) **Alteration, structural**. A change or repair which would tend to prolong the life of a supporting member of a building or structure, such as foundation, bearing walls, columns, beams or girders.

7) **Animal unit.** One horse, or cow, five sheep or goats, or twenty-four chickens or rabbits shall comprise one animal unit, except that any nursing horse or cow up to 200 days of age, or sheep or goats up to 100 days of age shall not be considered in calculating animal unit requirements.

8) **Building.** A structure built or assembled for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

9) **Campground.** A development providing for transient lodging accommodations and similar needs resulting from the demand generated by outdoor recreation activities, and which may include structural improvements such as covered cooking areas, lodges, or other group facilities, and cabin or travel trailer sites designed for temporary occupancy.

10) **City.** The City of Union, or the City Council.

11) **Commission.** The City of Union, Oregon, Planning Commission.

12) **Community center.** A facility owned and operated by a governmental agency or a private non-profit community organization, provided that the facility is for recreation, social welfare, community improvement, or public assembly.

13) **Comprehensive plan**. Maps and written goals and guidelines related to land use, public facilities, services, transportation, housing and development, to promote the public health, safety, and general welfare.

14) **Development guidelines**. Policies which have been adopted by the City of Union to provide developers with an indication of what may be required of them with respect to recognition of historic, scenic, or aesthetic values, and/or development of water improvements, sewerage connection, street, curb or sidewalk construction or similar activities, and to provide City officials a guide to use for inspection or construction purposes.

15) **Dwelling unit.** One or more rooms in a building containing not more than one cooking unit and designed for occupancy by one family.

16) **Dwelling, single-family.** A detached building containing one dwelling unit and designed for occupancy by one family unit.

17) **Dwelling, two-family (duplex)**. A detached building containing two dwelling units and designed for occupancy by two families.

18) **Dwelling, multi-family.** A building or portion thereof, designed for occupancy by more than two families living independently of each other.

19) **Family.** An individual or two or more persons related by blood, marriage, legal adoption, or 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.

20) **Farm use**. The utilization of land 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, honeybees, or for dairying and the same of dairy products, or for any other agriculture or horticultural use, animal husbandry, or any combination thereof, including the preparation or processing and storage of products raised on such land.

21) **Farming practices (accepted)**. 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.

22) **Feedlot or confined feeding or holding operation**. The concentrated or confined feeding or holding of animals or poultry where the surface has been prepared with concrete, rock, or vitreous material to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural infiltrative capacity of the soil.

23) **Garage, private.** A garage for not more than three automobiles, for storage only, and intended for private use, but in which space may be rented for storage only, if for not more than two non-commercial automobiles.

24) **Garage, public.** A building other than a private garage used for the care, repair, parking or storage of automobiles and automotive equipment and machinery.

25) **Grade (ground level).** The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

26) **Height of building.** The vertical distance from the grade to the highest point of the coping on a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.

27) **Historic site.** A specific building or site identified in the Land Use Plan as having special or significant historic associations or architectural merits.

28) **Home occupation.** A lawful occupation carried on by a resident in his dwelling or accessory building, where the occupation is secondary to the main use of the property as a residence.

29) **Household pets.** Cats, dogs and similar animals commonly occupying a family dwelling.

30) **Light industrial.** Those processing or manufacturing uses that can be undertaken within a structure and which do not cause objectionable noise, smoke, odor, vibration, traffic volume, congestion or other undesirable characteristics.

31) **Livestock.** Those animals including cattle, horses, sheep, poultry, pigs, generally raised or kept on farms for profit or other purposes.

32) **Lot.** A parcel or tract of land.

33) **Lot area.** The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.

34) **Corner lot.** A lot abutting on two or more streets, other than an alley, at their intersection.

35) **Lot line.** The property line bounding a lot.

36) **Lot line, front.** The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

37) **Lot line, rear**. The lot line which is opposite and most distance from the front 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.

38) **Lot line, side.** Any lot line not a front or rear lot line.

39) **Lot width.** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

40) **Manufactured dwelling.** A residential trailer, a mobile home, or a manufactured home as defined in this ordinance. (Section 1(40) added by Ordinance No. 437 on January 11, 1993.)

41) **Manufactured home.** A structure that has a Department of Housing and Urban Development label certifying that it is built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; and is constructed for movement on the public highways, has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence.
(Section 1(41) added by Ordinance No. 437 on January 11, 1993.)

42) **Mobile home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed

between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. **(Section 1(42) added by Ordinance No. 437 on January 11, 1993.)**

43) **Mobile home park.** Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade of patronage of such person. **(Section 1(43) added by Ordinance No. 437 on January 11, 1993.)**

44) **Motel**. An individual building or group of attached or detached buildings containing guest room, together with conveniently located parking spaces on the same lot which is designed, used, or intended to be used for the accommodation of automobile transients.

45) **Neutral surface, signing.** The building surfaces and opaque surfaces which are not an integral part of the message and which are quiet in tone.

46) **Non-conforming structure or use.** A lawful structure or use, existing at the time this ordinance or any amendment thereto becomes effective, and which does not conform to the requirements of the zone in which it is located.

47) **Open land recreation.** All recreational use normally conducted on acreages of land but excluding intensive commercial amusements such as golf courses, driving ranges, automobile race tracks and amusement parks.

48) **Owner.** An owner of property or the legally authorized agent of the owner.

49) **Residential trailer.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.

50) **Reparian zone.** An area pertaining to or situated on the edge of bank of a river or stream.

51) **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.

52) **Sign.** Any presentation or representation included within the general or specific definition of such term in the sign regulations.

53) **Sign area**. The area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, characters and lighted surface which forms an integral part of each sign. Neutral surfaces, elements, and supports which may be part of the constructed sign but are intended only to integrate and harmonize the sign with the architecture of the building to which the sign is attached shall not be included in the calculation of the sign area.

54) **Skirt.** A durable all-weather material having a finished exterior surface surrounding a mobile home and effectively screening the wheels and undercarriage from view.

55) **Street**. A public or private right-of-way for vehicular traffic.

56) **Structure.** Something constructed or built and having a fixed base on or to the ground or another structure.

57) **Trailer house.** A vehicle or similar portable device originally designed or presently constructed to permit temporary or permanent human occupancy for living and sleeping purposes and including mobile home, travel trailers, campers and similar units, having permanent kitchens and bath facilities.

58) **Trailer house, travel.** A trailer house not more than 8 feet in body width or more than 40 feet in body length designed primarily for temporary occupancy and for travel, recreational, and vacation uses.

59) **Trailer park, vacation or travel.** A trailer park intended, designed or utilized for temporary occupancy by travel trailer houses or other similar portable devices and accompanied by bath, laundry and other accessory uses as needed.

60) **Use.** The purpose for which a structure is designed, arranged or intended or for which land is maintained or occupied.

61) **Wrecking yard**. Any property used for the dismantling and/or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers or their parts.

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

63) **Yard, front**. A yard between side lot lines and measured horizontally at right angles to the front lot line from the street right-of-way line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

64) **Yard, rear.** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, or the main high water line when applicable, to the nearest part of the main building.

65) **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 main building.

66) **Yard, street side.** A yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side street right-of-way line to the nearest point of a building.

67) **Zoning officer.** That person or persons appointed by the City Council to administer this ordinance or parts thereof.

SECTION 2: ESTABLISHMENT OF ZONES

2.010 Zoning classification code. **(Section 2.010 amended by Ordinance No. 369 on April 9, 1984.)**

C-1 General Commercial. A business zone for all types of walk-in retail and service establishments that meet the needs of Union's core area. Heavy commercial use such as wholesale businesses, supply houses, etc., are not intended for this zone.

C-2 Heavy Commercial. This area borders the state highway from La Grande to Union and the southern extension of the commercial area along Main Street to North Powder.

C-3 Commercial, Amusement. This zone is intended for public and private non-profit organizational amusement, cultural, or recreation use; typically included: civic centers, fairgrounds, rodeo arenas, festivals and similar exhibitions.

I - Industrial. This zone permits the general range of industrial uses. Any planned industrial development in this zone with potential danger to public health or safety or that will potentially adversely affect air, water, visual or sound quality will be allowed only after special hearing by the Planning Commission.

R - Residential. This zone allows single and two-family residences. It includes the existing developed core area, and those adjoining areas best suited to residential development.

R-2 Rural Residential. This zone is intended to provide minimum standards for development of residential uses in those areas designated on the Zoning Map as Rural Residential.

R-3 Farm Residential. This zone is intended to provide areas suitable and desirable for small agricultural uses and rural living opportunities.

A-1 Exclusive Farm Use. This zone is intended to conserve and maintain productive agricultural land for continued agricultural use.

NOTE: There is no A-2 zone in the City. Using the classifications A-1 and A-3 allows the resource zone classifications used by the City to conform to those of the County.

A-3 Agricultural/Forest Use. This zone is intended to conserve and maintain agriculture and forest land.

2.020 Location of zones. The boundaries for the zones listed in this ordinance are indicated on the City of Union Zoning Map with attachments which are hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. Unless otherwise shown on the zoning map, boundaries of the zone are lot lines, center lines of streets and alleys, railroad rights-of-way lines, section, township, and range lines as they exist at the time of the enactment of this ordinance.

2.030 Zoning Map with Attachments. A zoning map or zoning map amendment adopted by Section 2.020 of this ordinance or by an amendment thereto shall be prepared by the Planning Commission or be a modification by the City Council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of this ordinance or the date of the amendment. A certified print of the map shall be maintained in the office of the City Recorder as long as this ordinance remains in effect. **(Zoning Map of April 9, 1984 was adopted by Ordinance No. 369 on April 9, 1984.)**

SECTION 3. USE ZONES

3.000 Conditions applying to all zones. No building shall exceed a height of 35 feet above the elevation of the ground. Signs shall conform to standards and regulations adopted by the City Council.

3.020 Historic sites and structures. The purpose of this Section is to protect and regulate specific buildings and sites identified in the Land Use Plan as having special or significant historic associations or architectural merits, as a part of the heritage of the citizens of the City. It is not the intent or purpose of this Section, however, to regulate the specific use of an historic building or site beyond that provided in the applicable zoning classification and other Sections of this ordinance.

1) Permits. Prior to any alteration, expansion, destruction, or removal of a historic site or structure identified as such in the Land Use Plan and on the Zoning Map the following procedures shall be followed:

   a) An application shall be made to the City Council identifying the proposed activity.

b) The application shall be placed on the City Council agenda and public notice given at least 15 days in advance of a public hearing.

c) A public hearing shall be held by the City Council to review the proposed activity and determine the impact on the historical character of the site or structure.

2) Subsequent to the City Council review and impact analysis a thirty (30) day period will be provided for public pursuit of alternative courses of action to assure preservation of historic characteristics of the site or structure.

3) Prior to issuing a building permit for the alteration, expansion, destruction or removal of the historic site or structure, written approval from the City Recorder shall be issued subsequent to the thirty (30) day period allowed for the public pursuit of alternatives. **(Section 3 (3.020) added by Ordinance No. 369 on April 9, 1984.)**

3.040 Reparian zone setbacks and vegetation maintenance. In order to maintain the vegetative cover which furnishes reparian habitat along Catherine Creek and Little Creek, a setback for any new development such as structures or roads shall be required. The setback distance shall be equal to one-half the stream width, as measured at right angles to the annual high-water line. A minimum of 25 feet on either side of the streams will be recognized. Woody vegetation presently existing in the reparian zone shall be maintained; however, thinning or brushing may occur within the reparian zone as long as 75% of the existing shade over the stream is maintained. **(Section 3 (3.040) added by Ordinance No. 369 on January 11, 1993.)**

3.050 Standards for placement of a manufactured home on an individual lot. The manufactured home shall:

1) Enclose a floor area of not less than 800 square feet;

2) be placed on an excavated and/or backfilled foundation and the open portion under the home enclosed with pressure treated wood, masonry, or concrete walls, so that the top of the perimeter wall is not more than twelve (12) inches above the finished ground level, except on a sloping lot where the top of the perimeter wall shall be not more than twelve (12) inches above the finished ground level at its highest point along the perimeter wall; complying with the minimum set-up standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918. When pressure treated wood is used for the perimeter wall, a covering similar in appearance to the manufactured home siding, or a finished concrete wall, will be used to cover the wall. A permanent concrete foundation existing at the time of this ordinance adoption that exceeds twelve (12) inches in height but otherwise complies with this ordinance may continue to be used.

3) have an integral roof with a nominal pitch of two and one-half (2 ½) feet in height for every twelve (12) feet in width. **(Section 3 (3.050)(3) added by Ordinance No. 437 on January 11, 1993.)**

3.110 Uses permitted outright in a **GENERAL COMMERCIAL (C-1)** zone.

General walk-in commercial uses and operations that are predominately retail or service establishments dealing with ultimate consumers.

3.112 Conditional uses permitted.

1) Churches
2) Church parsonages
3) Community clubs
4) Government structures and land uses
5) Convalescent homes
6) Clinics
7) Libraries
8) Museums
9) Public parks
10) Public utility structures and lines
11) Radio and television transmitters and lines
12) Railroad rights-of-way
13) Schools
14) Light industrial operations
15) Passenger terminals
16) One and two family dwellings
17) Multi-family dwellings
18) Overnight recreational vehicle accommodations in conjunction with hotel/motel operations.

(Section 3 (3.112)(18) added by Ordinance No. 451 on July 8, 1996.)

3.114 Prohibited Uses.

1) Wrecking yard
2) Travel trailer park
3) Mobile home park
4) Wholesale establishments and warehouses
5) Heavy industrial use
6) Building and related contractor uses
7) Excavating contractor use
8) Heavy retail sales such as but not limited to:
   a) Automotive sales
   b) Tire sales & services
   c) Trailer sales & services
   d) Pleasure craft sales & rental
9) Drive-in theaters
10) Race tracks

3.115 Lot size requirements. Lots shall have size and dimensional standards as necessary for traffic circulation, off-street parking, loading and unloading and similar activities, as approved by the Planning Commission and City Council from detailed plans presented.

3.116 Setback requirements.

1) Setback requirements for lots adjacent to residential areas shall be the same as the standards in the residential area.

2) There shall be no setback requirement for lots along Main Street.

3) Lots other than along Main Street shall have set-backs established for suitable parking and traffic patterns as approved by the Planning Commission and City Council from detailed plans presented.

3.210 Uses permitted outright in a **HEAVY COMMERCIAL (C-2)** zone.

All general commercial uses.

3.212 Conditional uses.

1) Churches
2) Church parsonages
3) Convalescent homes
4) Clinics
5) Schools
6) Light industrial uses
7) Public structures and land uses
8) Wrecking yards

9) Mobile home parks
10) Travel trailer parks
11) Large wholesale establishments and warehouses
12) Public utility structures and lines
13) One and two family dwellings
14) Multi-family dwellings

3.213 Prohibited uses. Any use declared a nuisance by statute, by action of the City Council, or by a court of competent jurisdiction is prohibited in the C-2 zone.

3.215 Lot size requirements. Lots for proposed commercial expansion or new construction shall have size and dimensional standards as necessary for traffic circulation, off-street parking, loading and unloading and similar activities as approved by the Planning Commission and the City Council. Lot size for other uses shall conform to requirements set forth in other use Sections of this ordinance.

3.216 Setback requirements. Setback requirements for lots adjacent to existing residential areas shall be the same as standards in the residential area. All other lots shall have setbacks established for suitable parking and traffic patterns, as approved by the Planning Commission and City Council from detailed plans presented.

3.310 Uses permitted outright in a **COMMERCIAL AMUSEMENT (C-3)** zone.

All public or private non-profit amusement, cultural or recreational uses.

3.312 Conditional uses.

1) Residential buildings accessory to commercial use such as caretaker residences
2) Travel trailer parks
3) Grandstands over 35 feet in height

3.313 Prohibited uses. Any use declared a nuisance by statute, or ordinance, by action of the City Council, or by a court of competent jurisdiction or which may be objectionable by reason of emission of odor, dust, smoke, gas, or noise, upon recommendation of the Planning Commission, to grant conditional and revocable permits for any such use within the zone after public hearing and examination of the location, and upon due proof to the satisfaction of the City Council, that the maintenance of such use will not be unduly detrimental to adjacent and surrounding properties.

3.316 Setback requirements. Setbacks shall be established for suitable parking and traffic patterns and shall be compatible with surrounding zones and uses and approved by the Planning Commission and City Council from detailed plans submitted.

3.410 Uses permitted outright in an **INDUSTRIAL (I)** zone.

1) All industrial uses except as indicated in Section 3.412 and 3.414

2) Commercial uses associated with manufacturing, processing, or storage of materials
3) Large wholesale establishments and warehouses
4) Farm use

3.412 Conditional uses.

1) Governmental use or activity
2) Utility facilities necessary for public service including but not limited to, substations, power generating facilities for public and private use, and/or other related structural uses.
3) Wrecking yards
4) Storage of waste materials or junk

(Section 3 (3.412) amended by Ordinance No. 369 on April 9, 1984.)

3.414 Prohibited uses. Those uses which have been declared nuisances by statutes or ordinances, by any court of competent jurisdiction or by the City Council, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, sawdust, soot, or vibrations, provided that the City Council shall have the power, upon recommendation by the Planning Commission to grant conditional and revocable permits for any such use within the Industrial Zone after public hearings and examination of the location and upon due proof to the satisfaction of the City Council that the maintenance of such use will not be unduly detrimental to adjacent and surrounding properties, except the following which are declared to be absolutely prohibited.

1) Acid manufacture
2) Cement, lime, gypsum or plaster of Paris manufacture
3) Distillation of bones
4) Explosives; manufacture or storage
5) Fat rendering
6) Fertilizer manufacture
7) Garbage, offal or animal reduction or dumping
8) Gas manufacture
9) Glue manufacture
10) Petroleum refining
11) Slaughter house, stockyards or feedlots
12) Smelting of tin, copper, zinc or iron ores
13) Tannery
14) All types of residential dwellings.

(Section 3 (3.414)(14) added by Ordinance No. 369 on April 9, 1984.)

3.415 Lot size requirements. Lots shall have size and dimensional standards as necessary for traffic circulation, off-street parking, loading and unloading, and similar activities as approved by the Planning Commission and City Council from detailed plans presented.

3.416 Setback requirements. Setback requirements for lots adjacent to existing residential areas shall be the same as standards in the residential area. All other setbacks shall be sufficient to allow parking, loading and related traffic circulation as needed by the user.

3.417 Residential Caretakers on Industrial Zoned Property. Industrial caretaker, subject to the following:

1) Only one (1) single-family dwelling may be constructed, placed or occupied as a caretaker's unit on the parcel or parcels actually used for the industrial business.

2) The caretaker's unit should be similar in appearance to and be maintained as an integral part of existing industrial structures.

3) Two off-street parking spaces shall be provided for the caretaker's unit. Said spaces shall be in addition to the total number of spaces required for the primary industrial business on the property and shall only be accessed from the interior of the industrial parcel.

4) The occupant (s) of the caretaker's unit shall be an employee of the primary industrial business or the owner thereof, and that person's immediate family, if any. Proof of employment relationship shall be provided to the City quarterly or when otherwise requested.

5) Owner shall file an application for the establishment, construction, occupation, or use of the caretaker's unit pursuant to the procedures set forth for conditional uses, though the notice provisions thereof shall not apply, and the planning commission may waive the fee applicable to conditional uses. Said application shall otherwise be evaluated in accordance with the standards and criteria set forth for conditional uses.

6) The unit shall at all times be in compliance with all building, and safety, and sanitary codes and regulations.

7) The caretaker's unit shall be allowed for the sole purpose of providing essential security to existing valuable industrial buildings and fixtures that are allowed as a primary use on the property pursuant to subsections 1, 2, and 3, but not 4, of this section.

8) The caretaker's unit may not be placed, occupied or used on land which is vacant but for the caretaker's unit.

9) The occupant (s) of the caretaker's unit may not be charged rent or any other fee for the occupation thereof.

10) Though farm use is a use permitted outright on industrial lands, a caretaker's unit is not allowed in support of, or as security for, farm usage.

11) The occupant of the caretaker's unit shall not engage in any business activities or endeavors in the caretaker's unit other than the business of the authorized primary industrial use.

12) Once the need for a caretaker's unit has ended, whether by way of destruction or dilapidation of the primary industrial structures, or otherwise, the occupancy thereof shall be discontinued within thirty days.

3.510 Uses permitted outright in a **RESIDENTIAL (R)** zone.

1) One and two family dwellings;
2) Manufactured homes meeting the requirements set forth in Section 3.050, provided that the manufactured home and the lot on which it is situated are in the same ownership;
3) Truck gardening;
4) The keeping of cattle, horses, chickens, rabbits, sheep or goats provided such animals are not allowed to run at large and a minimum of 10,000 square feet of open ground per animal unit is provided exclusive of dwelling and accessory building area; and
5) The keeping of common household pets.

3.512 Conditional uses.

1) Cemetery
2) Church
3) Community center
4) Day care or nursery school
5) Dog kennels for boarding or breeding
6) Governmental and public structure and use
7) Home occupations
8) Hospitals and clinics
9) Libraries, museums and art galleries
10) Livestock, or animals other than listed per Section 3.510(4)
11) Mobile homes not meeting minimum dimensions for uses permitted outright but meeting all other requirements for mobile homes
12) Multi-family dwellings
13) Private or public parks
14) Schools
15) Room & board to more than five non-family members
16) Public utility structures and lines

17) Mobile home parks
18) Neighborhood light commercial use

3.513 Prohibited uses. Any use declared a nuisance or non-conforming to the neighborhood or zone by statute, by action of the City Council, or by a court of competent jurisdiction. All uses prohibited in the Commercial C-1 zone. No dwelling shall be built or moved onto a lot not abutting a street.

1) Wrecking yard
2) Travel trailer park
3) Mobile home park
4) Wholesale establishments and warehouses
5) Heavy industrial use
6) Building and related contractor uses
7) Excavating contractor use
8) Heavy retail sales such as but not limited to:
   a) Automotive sales
   b) Tire sales & services
   c) Trailer sales & services
   d) Pleasure craft sales & rental
9) Drive-in theaters
10) Race tracks

3.514 Minimum lot size requirements.

1) The minimum lot size for new lots and parcels in the R-1 zone shall be 7,500 square feet.
2) In areas not served by city sewer, the minimum lot size shall be 20,000 square feet per single family or two family dwelling.
3) For multi-family dwellings, the minimum lot size shall be 10,000 square feet for the first two family units and 2,500 square feet for each additional attached family unit.
4) Minimum lot frontage shall be 60 feet, except that cul-de-sac lots may have 30 feet of frontage.
5) There shall not be more than one dwelling and its accessory buildings constructed on one lot.

(Section 3 (3.514) amended by Ordinance No. 429 on February 11, 1991.)

3.516 Setback requirements. Minimum requirements shall be 20 feet front yard line, 10 feet side yard line and 10 feet rear yard line. Both street frontages of corner lots shall be considered front yards. Accessory structures minimum setback requirements shall be five feet from side yard or rear lot lines. On all streets and street easements of less than 40 feet, building setbacks shall be calculated so that if the street right-of-way were widened to 60 feet the above minimum setbacks would result. No building permit shall be issued for construction of a building without such setback adjustments unless a variance is granted.

(Section 3 (3.516) amended by Ordinance No. 351 on September 8, 1980.)

(Section 3 (3.610) through (3.916) added by Ordinance No. 369 on April 9, 1984.)

3.610 Uses permitted outright in a **RURAL RESIDENTIAL (R-2)** zone.

1) Single-family dwelling on a parcel meeting minimum lot size requirements.
2) All other uses permitted outright in an A-1 zone.

3.612 Conditional uses.

1) Private schools, parks, or playgrounds
2) Golf course
3) Geothermal exploration and development
4) Aggregate and mineral exploration, mining, and processing
5) Utility facilities
6) Public schools
7) Other public buildings for facilities
8) Radio or television transmitter or tower
9) Home occupation
10) Churches
11) Commercial activities undertaken in conjunction with farm use.

3.614 Prohibited uses. Feedlots, stockyards, and slaughterhouses.

3.616 Minimum lot size. The minimum lot size for new lots and parcels in the R-2 zone shall be 20,000 square feet when public access and public water supply or public sewer are provided; otherwise a one acre minimum shall be required where Oregon Department of Environmental Quality subsurface sewage disposal approval can be obtained.

3.618 Development standards.

1) Setbacks shall be the same as in the R zone.
2) The standards for keeping animals shall be the same as those set forth at 3.510(4) of this ordinance.
3) Standards for signs shall be the same as those in the A-1 zone.

3.710 Uses permitted outright in the **FARM RESIDENTIAL (R-3)** zone.

Permitted uses shall be the same as in the R-2 zone.

3.712 Conditional uses.

1) Schools, parks, or playgrounds
2) Utility facilities
3) Home occupations
4) Commercial activities undertaken in conjunction with farm use

5) Geothermal exploration or development
6) Aggregate and mineral exploration, mining, and processing.

3.714 Prohibited uses. Feedlots, stockyards, and slaughterhouses.

3.716 Minimum lot size. The minimum lot size for new lots or parcels in the R-3 zone shall be ten (10) acres.

3.718 Development standards. Development standards shall be the same as those in the R-2 zone.

3.810 Uses permitted outright in an **EXCLUSIVE FARM USE (A-1)** zone.

1) Raising, harvesting, storing or selling crops for the purposes of making a profit.
2) Breeding, feeding, production, managing and selling of livestock, poultry, fish, fur-bearing animals or honeybees for the purpose of making a profit.
3) Dairying and the sale of dairy products.
4) Other agriculture, horticulture, or animal husbandry uses or activities undertaken for the purpose of making a profit.
5) Propagation and/or harvesting of a forest product.

3.812 Conditional uses.

1) Utility facilities other than those permitted outright.
2) Commercial activities conducted in conjunction with farm use.
3) Public or private parks and playgrounds
4) Golf course
5) Home occupation
6) Aggregate, mineral, or other resources exploration, mining, and processing.
7) Operation conducted for the mining and processing of geothermal resources.
8) The boarding of horses for profit
9) A dwelling on real property used for farm use if the dwelling is:
   a) Located on the same lot or parcel as the dwelling of the farm operator; and,
   b) Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
10) Dwellings and other buildings customarily provided in conjunction with farm use. Prior to issuing any permits for more than one dwelling, it shall be demonstrated that one of the above permitted uses "(1 through 5)" in Section 3.810 exists and would be continued on the property, or that assurances are provided that such uses will be developed.
11) Local distribution utility facilities and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale.
12) Exploration of geothermal resources.

3.814 Minimum lot size. The minimum lot size for new lots or parcels in the A-1 zone shall be 160 acres.

3.816 Development standards.

1) Any proposed division of land included within the A-1 zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the City.
2) The Planning Commission and City Council shall not approve any proposed subdivision or partition of a lot or parcel described in 3.812(9).
3) Setbacks shall be the same as those in the R zone.
4) Animal shelters shall not be located closer than 100 feet from an R or R-2 zone.
5) Signs shall be limited to the following:
   a) Two name plates or signs for each dwelling.
   b) Temporary signs as needed for advertising the sale, lease, or rental of the property and not exceeding eight (8) square feet in area.
   c) A sign identifying non-residential use such as the sale of products grown or produced on the premises or advertising activities conducted as part of the farm use.

   No sign shall be moving, revolving or flashing, and all lighting shall be directed
   away from residential use or zones, and shall not be located so as to detract from a motorist's vision except for emergency purposes.

3.910 Uses permitted outright in an **AGRICULTURE/FOREST USE (A-3)** zone.
Any use permitted outright in an A-1 zone.

3.912 Conditional uses. Any use permitted as a conditional use in an A-1 zone.

3.914 Lot size requirements. The minimum lot size for new lots or parcels in the A-3 zone shall be 40 acres.

3.916 Development standards. Standards in the A-3 zone shall be the same as standards in an A-1 zone.

(Section 3 (3.417)(5) added by Ordinance No. 522 on October 11, 2010)

SECTION 4. EXCEPTIONS AND VARIANCES

4.010 Non-conforming uses. The extend of such change, alternations or expansion shall be prescribed by the Planning Commission in connection with its findings. The procedure to be followed and the fees to be charged on an application for permission to change,

extend or alter a non-conforming use shall be the same as in the case of a conditional use.

1) Continuation. Subject to the other provisions of this article, a non-conforming structure or use may be continued, but shall not be changed, altered, extended, or expanded except when the following conditions are found by the Planning Commission.

    a) That said structure is suitable for such change, alteration, extension or expansion, and the result is not more incompatible or detrimental to surrounding properties than the previous one.

    b) That a change in the non-conforming use would not operate to lessen the value of property in the same zone and reasonably adjacent to the property concerned.

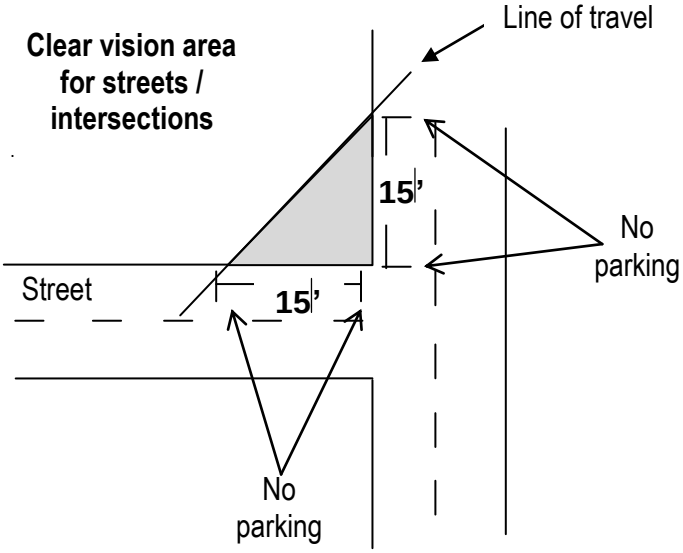
2) Reconstruction and relocation. A building having a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding 80% of the current assessed value of the building unless a variance is granted. When a building having a non-conforming use is damaged by fire or other causes so that the total deterioration exceeds 80% of the cost of replacing the building using new materials, then such building shall not be rebuilt unless such building in its construction and uses conforms fully to the requirements of this ordinance and other ordinances of the City as applied to new buildings and uses in the district in which it is to be located. When damage is 80% or less, rebuilding for non-conforming use must be kept within the old foundation. When a building having a non-conforming use is damaged by fire or other cause to an extent which will permit rebuilding, such construction as defined by the State Uniform Building Code must commence within one year of date of damage and be completed within two years of such date, if use is to continue as a non-conforming use, unless a variance is granted. No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform to all the provisions of this ordinance relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved.

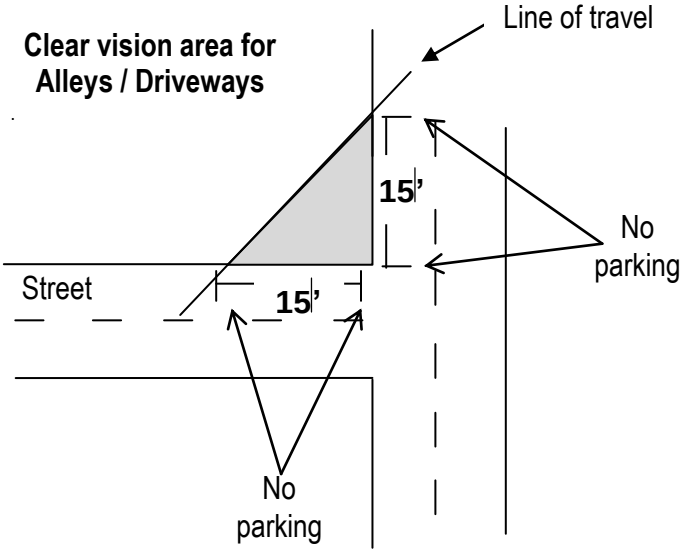
3) Existing buildings. If a non-conforming use involving a structure is discontinued for a period of one year, further use of the building shall conform to this ordinance.

4) Interruptions of use. If a non-conforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this ordinance. Any non-conforming use determined by the City Council to be detrimental to the public health, safety or welfare shall be discontinued after a period of time determined by the Council at a public hearing to be the amortized life of the use.

5) Mobile homes. Any non-conforming mobile home removed from a lot may be replaced only by a conforming mobile home.

4.020 Clear vision area requirements. A clear vision area shall be a triangular area on a lot at the intersection of two streets, two sides of which are lot lines measured a distance of fifteen feet from the corner intersection of the lot/property lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides and into the line of travel. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to the point of intersection. At the intersection of a street and alley or driveway the street lot lines measuring a distance of ten feet from the corner intersection of the lot line and alley/driveway opening is also known as the clear vision area. The clear vision area for both shall contain no sight-obscuring plantings, walls, structures, fences, vehicles or other temporary or permanent obstructions exceeding three feet in height as measured from the grade of the street centerline. There shall be no parking in the right-of-way between the point of intersection of the lot lines to the line of travel.





4.030 General exceptions to lot size requirements. Where the owner of a lot at the time of the adoption of this ordinance does not own sufficient area in said lot or contiguous lots, to enable him to conform to the yard and other requirements of this ordinance, the City may, upon variance approval, grant a building permit conditioned upon compliance with this ordinance to the extent reasonably possible under the circumstances.

4.040 General exceptions to setback requirements. Architectural features such as eaves, chimneys, cornices, canopies and sunshades which project from a structure, but are not used for storage or habitation, may project up to five feet into required setback areas.

4.050 General exceptions to front yard requirements. The front yard requirements of this ordinance shall not apply where the average depth of the existing front yard on developed lots, located within the same block and zoning area and fronting on the same street as such lot differs. The minimum specified front yard on such lot shall not be less than the average existing front yard depth on said developed lots.

4.060 Off-street parking requirements. Off-street parking spaces shall be located in the required yard areas of any building or structure.

1) Dwelling units.
   a) One space per single family, and mobile home residence.
   b) One and one-half spaces each for three or more dwelling units.
   c) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.
   d) Duplexes: One space per family unit.
2) Other uses.
   a) Assembly type use: One space per 100 square feet of assembly area.
   b) Motel and resorts: One space per unit.
   c) Office and retail: One space per 800 square feet of seating area.
   d) Restaurant and taverns: One space per 200 square feet of seating area.
   e) Warehouse: One space per 2,000 square feet of warehouse area.

3) Other uses not listed above. Spaces required shall be determined by the Planning Commission from detailed plans presented.

4.070 Off-street loading requirements. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading spaces in sufficient number and size to adequately handle the needs of the particular use from detailed plans presented and approved by the Planning Commission and City Council.

4.080 Accessory uses requirements. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

1) An accessory structure or use shall only be approved provided the principal use has been established.

2) An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard but not in the required street side yard of a corner lot.

4.090 Authorization of variances. The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a particular piece of property, the literal interpretation

of this ordinance would cause undue or unnecessary hardship. 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 and to otherwise achieve the purposes of this ordinance.

4.091 Conditions for granting a variance. No variance shall be granted by the Planning Commission unless it can be shown that ALL of the following conditions exist:

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

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

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

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

4.092 Variance procedure. The procedure to be followed in applying for and acting on a variance request shall be the same as those provided in Section 5 of this ordinance, except that notice of hearing need only be mailed to owners of property abutting or directly across a street from the lot or parcel of land on which the variance is requested.

4.093 Time limit. Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the City Council may extend authorization without a hearing for an additional period not to exceed one year, upon request.

(Section 4 (4.020 amended by Ordinance No. 521 on October 11, 2010)

SECTION 5: CONDITIONAL USE

5.010 Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use; a change in the use or in the lot area, or an alteration of structure shall conform with the requirements for

conditional use. In judging whether or not a conditional use proposal shall be approved or denied the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, in order to approve such use, shall find that the following criteria are met, can be met by observance of conditions, or are not applicable:

1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the City.

2) The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

3) The location and design of the site and structures of the proposal will be as attractive as the nature of the use and its setting warrant.

4) The proposal will preserve environmental assets of particular interest to the community.

5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

5.015 Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.

5.020 Application for conditional use. A request for a conditional use or modification of an existing use is done by filing an application with the Planning Commission. The application shall be accompanied by a site plan showing the dimensions and arrangement of the proposed development, and the names of record and addresses thereof, of all landowners within 300 feet of the parcel in question. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

5.030 Notice of hearing on conditional uses. Before a conditional use or modification of an existing conditional use is allowed, it shall be considered at a public hearing conducted by the Planning Commission. The public hearing shall be held within 40 days after the application is filed. The Planning Commission shall cause notice to be given as follows:

1) By posting a notice of the public hearing in three locations within the City for 15 days preceding the hearing.

2) By sending a copy of the notice to all land owners within 300 feet of the parcel in question no less than 15 days prior to the date of the hearing.

5.040 Planning Commission action; Recess of hearings. The Planning Commission may recess a hearing on a conditional use request in order to obtain additional information or to notify additional property owners. Upon recessing, the Planning Commission shall announce the time and date when the hearing will be resumed and no further public notice shall be needed.

5.050 Specific conditions on certain conditional uses.

1) Home occupations. Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited. The premises shall at all times be maintained as residential in appearance. Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building. Structural alterations shall not detract from the outward residential appearance. Any use that interferes with local radio or television reception shall be discontinued.

2) Mobile home parks. At least two acres shall be included in the park. No mobile home shall be closer than 15 feet from any structure within or outside of the park boundary, excepting utility or storage structures designed for the individual mobile homes. Minimum area for each space shall be 4,000 square feet. Minimum street surfaces shall be 24 feet and paved with an oil mat with street design to be approved by the Planning Commission prior to construction. At least one surfaced, off-street parking space per unit shall be located within required setback areas. Sight-obscuring fencing may be required on every side of the park.

3) Travel trailer park. At least one acre shall be included in the park. No travel trailer shall be located within 15 feet of the outside boundary of the park nor closer than 15 feet from any structure of travel trailer within the park except for utility or storage structures designed for use by individual trailers. Minimum area for each space is 1,000 square feet. Minimum area for each space is 1,000 square feet. Minimum street surface width shall be 24 feet except if spaces are drive-through spaces in which case, surface width may be 20 feet. Streets shall be paved with an oil mat and design to be approved by the Planning Commission before start of construction. The park shall be fenced to a minimum height of 4 feet and shall have sight-obscuring vegetation planted on any side abutting a residence or residential zone.

4) Wrecking yards. The wrecking yard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition, not less than 6 feet in height and a design approved by the Planning Commission. All vehicles shall be kept inside the fenced areas at all times, except those vehicles belonging to customers which may be parked outside while at the establishment on business. All sales, displays, storage, repair, or other handling of products, merchandise, equipment and other articles shall occur from within an enclosed building or from within the fenced area.

5) Recreational vehicle accommodations in conjunction with hotel/motel operations. Space rental shall be limited to a maximum of 15 days. Each will have a minimum area of 900 square feet with the minimum width of 18 feet, and layout and surfacing as approved by the Planning Commission from detailed plans.

Each space shall be attractively maintained. The boundary with adjacent property shall include sight- obscuring fencing or vegetation.

(Section 5 (5.070)(5) added by Ordinance No. 451 on July 8, 1996)

5.070 Revocation of a conditional use permit. Any permit granted hereby shall be subject to denial or revocation by the Planning Commission if it is ascertained that the application includes or included any false information, or if the conditions of approval have not been complied with or are not satisfied. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under Section 5.030 in order to allow the permit holder to show cause why such permit should not be revoked. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not satisfied, a reasonable time shall be given for rectification and if corrections are not made within that time, revocation of the permit shall become effective 10 days after the time specified. Re-application for a conditional use permit cannot be made within one year after revocation except that the Commission may allow a new application if in its opinion, new evidence or a change in circumstances warrant it.

5.080 Fees. A fee, according to a fee schedule adopted by the City Council by resolution, shall be paid to cover the costs incurred in giving notice and processing the conditional use request.

5.090 Time limit on permit for conditional use. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. The Planning Commission may extend authorization for an additional period not to exceed one year on request.

SECTION 6: AMENDMENTS

6.010 Authorization to initiate amendments. The City Council may on its own motion, or upon property owner petition, after public notice and hearing, amend the text of the Union Land Use Plan, Zoning Ordinance, or Partition and Subdivision Ordinance and change plan and zone boundaries. Each such proposed amendment shall be referred to the Planning Commission for investigation and for report to the Council. Any such amendment that has failed to receive the approval of the Planning Commission shall not be passed, except by a two-thirds vote of the entire Council. Either the Council or Planning Commission may initiate proposed changes in zones. Such changes may be made only after notice to the owners of the properties within an area bounded by lines parallel to and 100 feet from the lines bounding the area to be changed and after public hearing. All changes, except those initiated by the City Council or Planning Commission, shall be made only upon petition bearing the signatures of the owners of 50 percent or more of the property within the area bounded by lines parallel to and 100 feet from the boundaries of the area to be changed. Such petition shall contain the addresses and sufficient description of the properties owned for the identification thereof and shall be filed with the City Recorder and directed to the Council.

(Section 6 (6.010) amended by Ordinance No. 369 on April 9, 1984.)

6.020 Petition procedure. A petition filed with the City Recorder shall forthwith be referred to the Planning Commission and the Commission shall check such petition for sufficiency and shall make a report to the City Council embodying its recommendations. No petition shall be approved by the City Council until the Planning Commission has submitted its report relative to the same, and the Planning Commission shall report within 60 days of the filing of the petition with the City Recorder. The City Council must vote upon the petition within 30 days after receipt of the Planning Commission's report on the petition.

6.030 Notice and public hearings on amendments. The Planning Commission shall afford persons particularly interested, and the general public, an opportunity to be heard at a time and place specified in a notice of hearing to be sent by mail to all property owners within an area bounded by lines parallel to and 100 feet from the boundaries of the area to be changed as said lines run at right angles to their intersecting point. Notice thereof shall also be published in a newspaper of general circulation within the City. Such notice shall be given at least 10 days prior to the date the hearing is to be held. If a protest against such amendment be presented, duly signed by the owners of 51% or more, of the land within an area bounded by lines parallel to and 100 feet from the area to be changed, such amendment shall not be passed except by a two-thirds vote of the City Council. Where all property located within lines parallel to and 100 feet from the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that of the same ownership shall be notified in the same manner provided in this Section and qualified signers of the protest referred to in this Section shall be the owners of the property abutting that of the same ownership. In accordance with ORS 227.175, if an applicant would change the zone of property which includes all or part of a mobile home park as defined in ORS 446.003, written notice shall be mailed to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application.

(Section 6.030 amended by Ordinance No. 413 on May 8, 1989.)

6.035 Notice to the Oregon Department o f Land Conservation and Development. A proposal to amend the Land Use Plan, Zoning Ordinance, Partition and Subdivision Ordinance or to change or adopt a new land use regulation shall be submitted to the Director of the Oregon Department of Land Conservation and Development at least 45 days before the final City Council hearing on adoption. The proposal submitted shall contain four copies of the text and any supplemental information the City believes is necessary to inform the Director as to the effect of the proposal, and shall indicate the date of the final hearing on adoption by the City Council.
(Section 6.035 added by Ordinance No. 369 on April 9, 1984.)

6.040 Basis for decisions. A decision on a Land Use Plan text or map amendment by the Planning Commission and City Council shall be based on the ability of the proposed change to meet the following criteria:

1) That changes have occurred in community attitudes or that physical, social, economic, or environmental conditions in the area have changed since plan adoption, and that a public need supports the change; or that the original plan was incorrect.

2) That alternative sites for the proposed uses have been considered.

3) That the proposed change is compatible with the Land Use Plan policies and LCDC goals and guidelines.

(Section 6.040 added by Ordinance No. 369 on April 9, 1984.)

6.045 Findings. The decision of the City Council or Planning Commission shall be based upon and accompanied by a brief statement that explains the following:

1) The criteria and standards considered relevant to the decision;

2) The basic facts relied upon in rendering the decision; and

3) The ultimate facts and justification for the decision based on the criteria, standards, and facts set forth.

(Section 6.045 added by Ordinance No. 369 on April 9, 1984.)

6.050 Hearing recess. The Planning Commission or City Council may recess a hearing in order to obtain additional information or to serve notice upon other property owners or persons it deems may be interested in the proposed amendment. Upon recessing for this purpose the Commission or Council shall announce the time and date when the hearing will be resumed. No further notice shall be required.

6.060 Record of amendments. The City Recorder shall maintain records of amendments to the text and zoning map of this ordinance.

6.070 Limitation on re-application. No application of a property owner for an amendment to the text of this ordinance or to a zone boundary shall be considered by the Planning Commission within the one year period immediately following a previous denial of such request, except that the Planning Commission may permit a new application if in the opinion of the Commission new evidence or a change of circumstances warrant it.

SECTION 7. ADMINISTRATIVE PROVISIONS

7.010 Building permits. No permit shall be issued by the building official or designated City representative for the construction, reconstruction, alteration, or change of use of a structure or lot that does not conform to the requirements of this ordinance. No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on the side which has not yet been dedicated or condemned.

7.020 Appeals. Any interested citizen or administrative officer of the City may appeal to the City Council from any ruling pertaining to the granting or denial of any decision or permits applied for hereunder when such ruling is adverse to his interests, by filing with the City Recorder within 10 days from such ruling, a written notice stating with reasonable accuracy the particular ruling from which appeal is made, and stating the grounds therefor. Thereupon the City Recorder shall forthwith obtain all papers constituting the record upon which the action appealed from is based, and refer the same to the Planning Commission, which shall within 30 days submit its written recommendation thereon together with the record to the City Council. Said Commission or the City Council may receive any additional evidence as either deems relevant to the issues involved. Upon receiving such recommendation and record, and within 30 days after a public hearing thereon, the City Council shall have the power to affirm, overrule, or alter such ruling.

7.040 Form of petition, application, and appeals. Petitions, applications, and appeals provided for in this ordinance shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specification, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area, and such other information as is needed to determine conformance with this ordinance.

7.050 Filing Fees. Applications required by this ordinance shall be accompanied by a filing fee of the amount established by resolution of the City Council.

7.070 Authorization of similar uses. The Planning Commission may permit a particular use in a zone provided the use is of the same general type as the uses permitted thereby in this ordinance. However, this Section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

7.080 Temporary use. The Planning Commission may, upon such petition, notice and hearing as it may deem proper, recommend to the City Council the granting of a temporary permit to use certain specified property for a purpose not authorized in the district or zone in which such property is located, providing such use is not listed in another zone. Such temporary permit may be granted by motion or resolution, and

shall be revocable at the will of the Council or extended for a time specified in the grant thereof, and it may be granted subject to such other limitations and conditions as the Council shall impose.

7.090 Final action.

a) In accordance with ORS 227.178, except as provided in subsection (c) of this Section, the City shall take final action upon an application for a permit or zone change, including all appeals to the Council as provided by this ordinance, within 120 days after the application is deemed complete.

b) In accordance with ORS 227.178, if an application for a permit or a zone change is incomplete the Planning Administrator shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application and shall allow the applicant a reasonable opportunity to submit the missing information.

c) In accordance with ORS 227.178, the 120 day period specified in subsection (a) hereof may be extended for a reasonable period of time at the request of the applicant. Subsection (a) shall not apply to decisions not wholly within the authority and control of the Council, nor to an amendment to the comprehensive plan or a land use regulation which has been acknowledged or to the adoption of a new land use regulation that was forwarded to the director of the Department of Land Conservation and Development under ORS 197.610(1).

(Section 7.090 added by Ordinance No. 413 on May 8, 1989.)

SECTION 8. GENERAL PROVISIONS

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

8.020 Validity. Should any Section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except the part declared invalid.

8.030 Penalty for violation. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or be maintained, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this ordinance or who shall fail to comply therewith, or who shall build in violation of any detailed statement of plan submitted and approved thereunder, shall for each and every violation be fined not more than $500.00. Each day that a violation of this ordinance continues shall be considered a separate violation.

8.040 Alternative remedy. If a building or other structure is or is proposed to be located, constructed, maintained, altered, or used, or land is or is proposed to be used in violation of the City's zoning ordinance, the building or land thus is in violation and shall constitute a nuisance and the City, may as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, abatement or other appropriate proceedings to prevent, enjoin, temporarily or permanently abate or remove the unlawful location, construction, maintenance, repair, alternation or use.

8.050 Repealing provision. **Ordinances numbered 276 and 288 are hereby repealed.**

8.060 Emergency Clause. Inasmuch as this ordinance is needed for the health, safety and welfare of the citizens of Union, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect immediately upon its approval and adoption by the City Council and by the signature of the Mayor of the City of Union.

8.070 CONCLUSION.

WHEREAS it is desirable to maintain the orderly development of land and that needed services are or can be made available to such land and;

WHEREAS Oregon Revised Statutes, Chapters 92 and 227, provide for the adoption of such ordinances and the City has recognized the need to maintain procedures and standards for the use of land and;

WHEREAS the City of Union, Oregon has posted public notices and held public hearings in accord with City and State statutes and has found that for the public welfare a zoning ordinance be maintained;

NOW THEREFORE, the City of Union does hereby adopt the Zoning Ordinance of the City of Union, Oregon.

PASSED this 11th day of June, 1979 by four (4) councilpersons voting therefor.

APPROVED this 13th day of June, 1979 by the Mayor of the City of Union.

ATTEST:	APPROVED:
s/ Joyce Cadwell	s/ Don MacPherson
Joyce Cadwell - City Recorder	Don MacPherson - Mayor

The following action was taken by Ordinance No. 351 on September 8, 1980.
Section 3 (3.516) amended.

The following actions were taken by Ordinance No. 369 on April 9, 1984.
- **Section 1(1.030) amended.**
- **Section 2.010 amended.**
- **Zoning Map of April 9, 1984, adopted.**
- **Section 3 (3.020) added.**
- **Section 3 (3.410) amended.**
- **Section 3 (3.414) amended.**
- **Section 3 (3.414)(14) added.**
- **Section 3 (3.610) through (3.916) added.**

The following action was taken under Ordinance No. 429 on February 11, 1991.
- **Section 3 (3.514) amended.**

The following actions were taken under Ordinance No. 437 on January 11, 1993.
- **Section 1 (40) added.**
- **Section 1 (41) added.**
- **Section 1 (42) added.**
- **Section 1 (43) added.**
- **Section 3 (3.040) added.**
- **Section 3 (3.050)(3) added.**

The following action was taken under Ordinance No. 451 on July 8, 1996.
- **Section 3 (3.112)(18) added.**
- **Section 5(5.050)(5) added.**

The following action was taken under Ordinance No. 521 on October 11, 2010.
- **Section 4 (4.020) amended.**

The following action was taken under Ordinance No. 522 on October 11, 2010.
- **Section 3 (3.417) added.**