

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTY, OREGON

An Ordinance amending Article)
112 of Klamath County Zoning)
Ordinance No. 17 regarding) ORDINANCE NO. 22
the procedure for obtaining)
a zone change and declaring)
an emergency)

WHEREAS, the Oregon Revised Statutes Chapter 203 and 215 and Klamath County Zoning Ordinance No. 17 provide a procedure amending a zoning ordinance; and

WHEREAS, this procedure has been followed in this case; and

WHEREAS a hearing was held before the Klamath County Planning Commission on December 3, 1974 following the giving of notice as required by the statutes and ordinance; and

WHEREAS the required notice has been given for a hearing on December 30, 1974 before the Klamath County Board of Commissioners and said hearing has been held, and

WHEREAS the immediate enactment of this ordinance is necessary to simplify the procedure for obtaining a zone change, shorten the amount of time the applicant for a zone change must wait and do away with the wasteful duplication of effort required on behalf of the applicants, county and opponents due to the necessity for two zone change hearings; NOW THEREFORE,

The Klamath County Board of Commissioners ordains as follows:

Section 1: Article 112 of Klamath County Zoning Ordinance No. 17 be amended to read as follows:

ARTICLE 112 - CHANGE OF ZONE

SECTION 112.001 - INTENT

The Board of Commissioners, before it may grant a change of zone, shall determine:

1. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning;
2. The property affected by the proposed change of zone is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;
3. The proposed change of zone will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.
4. That the proposed change of zone is in keeping with land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.
5. That the proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

SECTION 112.002 - PROCEDURE

In the processing of change of zone, the following procedures shall be followed:

1. Initiation--an application for a change of zone shall be initiated by the record owner of the property upon which the change of zone is sought or by the authorized representative of the record owner. Said authorization shall be in writing and filed with the application with the Planning Commission.

2. If there are both record owners and contract vendees involved in a parcel of land, it shall also be necessary to have the written consent of the non-initiating party to commence a zone change. This consent shall be filed with the application.
3. Filing - An application for a change of zone shall be filed on forms provided by the Planning Department and shall set forth in detail all information requested thereon.
4. Ownership List - The ownership list shall consist of the names and addresses of all deed holders of property situated within two hundred-fifty (250) feet of the external boundaries of the property affected by the application as such names and addresses are shown on the last preceding tax roll of the Klamath County Assessor.
5. Filing Fee - Application for a change of zone with the requested information attached thereto shall be accompanied by a filing fee of \$50.00 to defray costs incidental to the proceedings.
6. Improper application - If it is determined the application does not provide desired information nor have attached thereto other pertinent data requested, the application and filing fee shall not be accepted.
7. Public Hearing Date - Upon receipt of a valid application, the Planning Director shall, within ten (10) days from the date of receipt thereof, set a date for public hearing before the Planning Commission which date shall be not less than fifteen (15), nor more than ninety (90) days after filing of the application or if no regular meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the Commission.
8. Notice of Hearing - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other data pertinent to the requested change of zone:
 - A. Media - Notice shall be published in a newspaper of general circulation in the County on two (2) consecutive dates not less than five (5) days before the date set for hearing.

- B. Mailing - Notice shall be mailed to the applicant, the non-initiating party, if any, and to all owners of property within two hundred fifty (250) feet of the external boundaries of the property affected by the requested change of zone not less than five (5) days before the date set for hearing.
- C. Written notice shall be posted in the Klamath County Courthouse and at two other public places within the County.
9. Public Hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested change of zone at the time and place designated on the notice of public hearing, and after consideration of all testimony and exhibits introduced at the hearings shall at the conclusion of the public hearing or within 60 days thereof render a decision.
10. Recommendation of the Planning Commission - The recommendation of the Planning Commission shall be to approve, conditionally approve, or disapprove the requested change of zone and shall incorporate findings of fact and conclusions of law in support of such recommendations.
- The recommendations of the Planning Commission containing its findings of fact and conclusions of law shall, within five (5) days, be filed with the Board of Commissioners and a copy thereof mailed to the applicant at the address shown on the application.
- The Planning Commission in approving or conditionally approving a change of zone, may set forth in its recommendation, reasonable conditions which will insure the intent and purpose of the Zoning Ordinance and avoid creation of detrimental effect upon abutting properties.
11. Upon a receipt of the recommendations from the Planning Commission, the Board of Commissioners shall set a date for a hearing on the record made by the Planning Commission.
12. Public hearing by Board - Scope of Review. At the hearing before the Board of Commissioners the Board may allow both sides to present oral and written arguments in support of their position. However, the scope of review shall be limited to the record made before the Planning Commission, unless the Board of Commissioners shall by majority vote, order a new hearing held.

In the event the Board of Commissioners shall elect to require that a new hearing be held then the Board shall hear all pertinent exhibits and testimony pertaining to the proposed change of zone.

Notice of such hearing shall be given in the manner prescribed in Paragraph 8.

In the event the Board does not order a new hearing, they shall review the record of the hearing before the Planning Commission and shall render a decision. The decision by the Board shall sustain the action of the Planning Commission if there was substantial evidence for the action taken by the Planning Commission.

13. In the event the decision of the Board is not unanimous, the dissenting member shall file a minority report, which will become a part of the record, setting forth his or her reason(s) for such dissent within thirty (30) days after the entry of aforesaid order. Failure to file a minority report, however, shall not have the effect of invalidating any order entered pursuant to this Article.
14. Appeal - Appeals from decision of the Board shall be to Circuit Court by Writ of Review only.
15. Limitation - No request for a zone change shall be considered by the Planning Commission on the same property or substantially the same property within a one (1) year period immediately following a previous denial of such request except the Planning Commission may consent to a new hearing if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

Section II: EMERGENCY CLAUSE AND EFFECTIVE DATE

This ordinance being necessary for the immediate preservation and protection of the public peace, health, welfare, safety and morals, an emergency is hereby declared to exist, and this ordinance shall take effect upon its passage, or as soon thereafter as permitted by law, and in no event, later than thirty (30) days after its adoption.

ADOPTED at Klamath Falls, Oregon, this 22nd day of
January, 1975.

BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTY, OREGON

Chairman of the Board

County Commissioner

County Commissioner

Hazel V. Webster
Recording Secretary

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTY, OREGON

An Ordinance adding a new)
article 117 to Klamath)
County Zoning Ordinance No.)
17 to provide a zone cor-)
rection procedure, amend-)
ing Section 11.007 of)
Klamath County Zoning)
Ordinance No. 17 to)
conform to this procedure)
amending Sections 15.018)
and 15.005 to establish)
definitions and declaring)
an emergency.)

ORDINANCE NO. 23

WHEREAS, the Oregon Revised Statutes Chapter 203 and 215 and Klamath County Zoning Ordinance No. 17 provide a procedure for amending a zoning ordinance; and

WHEREAS this procedure has been followed in this case; and

WHEREAS a hearing was held before the Klamath County Planning Commission on December 3, 1974 following the giving of notice as required by the statute and ordinance; and

WHEREAS the required notice has been given for a hearing on December 30, 1974, before the Klamath County Board of Commissioners and said hearing has been held, and

WHEREAS immediate enactment of this ordinance is necessary to clarify Klamath County zoning procedure by establishing a zone correction procedure and end the existing confusion regarding the procedure for obtaining a zone correction; NOW THEREFORE,

The Klamath County Board of Commissioners ordains as follows:

Section I: Klamath County Zoning Ordinance No. 17 be amended by adding the following new Article.

ARTICLE 117 - ZONE CORRECTION

SECTION 117.001 - INTENT

This article is intended to provide the procedure to implement the requirements of Section 11.007 of this ordinance regarding unintentional and erroneous zoning designations and their correction.

1. The alleged use of the land must have lawfully existed prior to December 7, 1972. If there was not actual use of the parcel of land prior to December 7, 1972, there must have been substantial expenditures made which are more consistent with the alleged use than with other uses which could be made of the land.

SECTION 117.002 - PROCEDURE

In the processing of a zone correction application, the following procedures shall be followed:

1. Initiation - an application for a zone correction shall be initiated by the record owner or contract vendee of the property upon which the zone correction is sought or by the authorized representative of either. Such authorization shall be in writing and filed with the application.

If there are both record owners and contract vendees involved in a parcel of land, it shall also be necessary to have the written consent of the non-initiating party to commence a zone correction. This consent shall be filed with the application. The Planning Commission or the Board of Commissioners, without the written consent of the record owner or contract vendee, may also initiate a zone correction proceeding.

2. Filing - An application for a zone correction shall be filed on forms provided by the Planning Department and shall set forth in detail all information requested thereon.
3. The Planning Director or his appointed agent may provisionally grant or deny a zone correction after investigation and a finding that the use of the parcel in question by the applicant or his predecessor in interest complies with the requirements of Section 117.001. Upon making a provisional determination, the

Planning Director shall sign an order containing his findings of fact and conclusions of law either denying the application or directing the correction be made on the County Zoning Maps.

A copy of said order shall be mailed to the applicant, any party whose consent was necessary to initiate the proceedings and to deed holders and contract vendees of property within 250 feet of the applicant's property together with a notice giving these parties the right to appeal to the Planning Commission for a reconsideration hearing within 30 days from the date the order is mailed by the Planning Director or his representative.

However, failure to notify a contract vendee of any adjacent property at any stage of a proceeding under this Article shall not invalidate the action taken.

Provisional orders shall become final upon expiration of the above appeal period if no appeal is taken to the Planning Commission.

The Planning Director may on his own motion refer a zoning correction application directly to the Planning Commission for a hearing.

4. Planning Commission Hearing - In the event a hearing is held by the Planning Commission under the provisions of this section, it shall be conducted in conformance with the procedures set out in subsections four through nine of Section 112.002. The fee contemplated in subsection five of Section 112.002 shall be paid by the party requesting the hearing for the purpose of deferring the costs of appeal.
5. Planning Commission Action - The Planning Commission shall affirm, reverse, or modify the order of the Planning Director. In the event the Planning Director has referred a zoning correction directly to the Commission, it shall grant or deny the application.

The Planning Commission shall make an order containing written findings of facts and conclusions of law within 60 days after the conclusion of the Planning Commission hearing. Prior to the expiration of the 60 days a hearing may be reopened for the acceptance of additional evidence upon motion of the Planning Commission or for good cause shown.

6. Appeal from Planning Commission - The decision of the Planning Commission shall be final unless the applicant or a party whose consent was necessary to initiate the proceedings appeals the decision to the Board of County Commissioners in writing. An appeal from the decision of the Planning Commission may also be filed by an interested deed holder or contract vendee of property within 250 feet of the property affected by the Planning Commission decision.
7. Time for Appeal - The appealing party must file notice of appeal within twenty (20) days after the signing of the order by the Planning Commission with the Planning Director upon forms supplied by the Planning Director.
8. Public Hearing Date - Upon receipt of a Notice of Appeal a date shall be set for a hearing on the record before the Board of Commissioners. Notice of said hearing shall be given as provided in Subsection 8 of Article 112.002.
9. Scope of Review - At the hearing before the Board of Commissioners both sides may present oral and written arguments in support of their position; however, the Board of Commissioners may order a new hearing held before them upon good cause shown.

The Commissioners shall review the record of the hearing before the Planning Commission and arguments by interested parties and shall render a decision. The decision rendered by the Board shall sustain the action of the Planning Commission if there was substantial evidence for the action taken by the Planning Commission.
10. Board of Commissioner's Appeals - Appeals from the decision of the Board shall be to Circuit Court by writ of review.
11. Limitation - No request for a zone correction shall be considered on the same property or substantially the same property within a one (1) year period immediately following a previous final denial."

Section II: Section 11.007 of Klamath County Zoning Ordinance No. 17 be amended to read as follows:

"No use shall, at the time of enactment of this Ordinance, be

non-conforming. In the event that the zoning Ordinance maps should unintentionally and erroneously not carry the proper zoning designation for uses lawfully existing prior to the enactment of this Ordinance, the Planning Commission shall, on its own motion and at its own expense, if appropriate, forthwith cause necessary public hearings to be held pursuant to Article 117 for the purpose of recommending to the Board changing such incorrectly-zoned property. Any use, building or structure which is made non-conforming subsequent to the enactment of this Ordinance shall be permitted to continue under this Ordinance and in determination of the termination date for such use, building or structure, computation shall commence from the original date it became non-conforming pursuant to such other applicable ordinance."

Section III: Section 15.018-"S" of Klamath County Zoning Ordinance No. 17 be amended by adding the following definition:

"SUBSTANTIAL EXPENDITURES - The test used in a zone correction proceeding under Article 117 where there was no actual use of the property prior to December 7, 1972 for the use alleged. Factors to be taken into consideration in applying this test include the ratio of expenditures incurred to the total cost of the project, the good faith of the landowner, whether or not he had notice of any proposed zoning or amendatory zoning before starting his improvements, the type of expenditures, i. e., whether the expenditures have any relation to the completed project or could apply to various other uses of the land, the kind of project, the location and ultimate cost and all other relevant factors. Also, the acts of the landowner should rise beyond mere contemplated use or preparation."

Section IV: Section 15.005 "E" be amended by adding the following:

EXPENDITURES, SUBSTANTIAL - See SUBSTANTIAL EXPENDITURES."

Section V: EMERGENCY CLAUSE AND EFFECTIVE DATE

This ordinance being necessary for the immediate preservation and protection of the public peace, health, welfare, safety and morals, an emergency is hereby declared to exist, and this ordinance shall take effect upon its passage, or as soon thereafter as permitted by law, and in no event, later than thirty (30) days after its adoption.

ADOPTED at Klamath Falls, Oregon, this 22nd day of
January, 1975.

BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTY, OREGON

Chairman of the Board

County Commissioner

County Commissioner

Hazel V. Webster
Recording Secretary

ARTICLE 42 - RD 5,000 ZONE (RESIDENTIAL SINGLE FAMILY)

SECTION 42.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted on any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling unit are also permitted.

SECTION 42.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use.

Guest house

Single family dwellings

SECTION 42.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Churches

Day nurseries, nursery schools, boarding of children, provided that such shall be in accordance with state and local laws

Duplexes in the RD 5,000 and RD 10,000 zones only 1 /

Educational institutions

Mobile home dwellings

Parks, playgrounds or community centers owned and operated by a governmental agency or as created pursuant to a special district

Public utility facilities

Temporary carnivals and bazaars in conjunction with churches, educational institutions, or service clubs

August 29, 1972

1 / Amended February 12, 1974

ARTICLE 49 - MH OVERLYING ZONE (MOBILE HOMES) *Amendment*

SECTION 49.001 - INTENT

*Page 2
4/18/74*

This zone is intended to be combined with residential zones to permit the addition of mobile homes as a principal use in addition to all other uses permitted in the underlying district with the suffix MH to be added after the underlying district notation. For example, RD 5,000-MH would denote the RD 5,000 zone to which the provisions of this overlying zone are added.

SECTION 49.002 - PRINCIPAL USES

Principal uses include all uses permitted in the districts denoted by the prefix zoning designation and mobile homes.

SECTION 49.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

Uses permitted subject to conditional use permit include all uses permitted in the district denoted by the prefix zoning designation and deletes mobile homes in those underlying districts where mobile homes are permitted, subject to a Conditional Use Permit.

SECTION 49.004 - USES EXPRESSLY PROHIBITED

Uses expressly prohibited include only those expressly prohibited in the district denoted by the prefix zoning designation.

SECTION 49.005 - PROPERTY DEVELOPMENT STANDARDS

Property development standards include only those applicable in the district denoted by the prefix zoning designation, except that no MH (Mobile Home) District shall be less than two (2) acres in size, and except that each mobile home shall, within forty-five (45) days after being placed on a lot, be fitted with appropriate metal skirting or other fire resistant material, as approved by the State Fire Marshal.

2/11/74

ARTICLE 112 - CHANGE OF ZONE

SECTION 112.001 - INTENT

The Board of Commissioners, before it may grant a change of zone, shall determine such change of zone will not be contrary to the intent of the Zoning Ordinance nor in deviation to any land use plans and/or street and highway plans.

The Board of Commissioners, before it may grant a change of zone, shall determine:

1. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning;
2. The property affected by the proposed change of zone is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;
3. The proposed change of zone will have no adverse effect on any property or the permitted uses thereof, within a seven hundred (700) foot radius excluding highways and rights-of-way; and
4. That the proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

SECTION 112.002 - PROCEDURE

In the processing of a change of zone, the following procedures shall be followed:

1. Initiation - An application for a change of zone shall be initiated by the record owner of the property upon which the change of zone is sought or by the authorized representative of the record owner. Said authorization shall be in writing and filed with the application with the Planning Department.

The Board of Commissioners may, without the record owner's written consent, initiate a zone change to correct errors in original zoning maps by adopting a written resolution in the case of map corrections which do not create or permit substantial new land uses, but rather recognizes land uses

(Amendments - Page 3 continued)

Amendments
Page 3 continued

2/11/74

(and lot sizes) preexisting the adoption of zoning.

Upon adoption of said resolution, the Board of Commissioners shall make a determination of the proposed map correction after giving notice of public hearing as provided in Section 112.002, 7. a. and b. and may issue an order effecting said map correction.

1 /

August 29, 1972

Amended May 24, 1973

1 / Amended February 11, 1974

T A B L E O F C O N T E N T S

CHAPTER 1

Article 10	- Introductory Provisions	2
Article 11	- Scope	3
Article 12	- Delegation of Authority	6
Article 13	- Terminology	7
Article 14	- Reserved	8
Article 15	- Definitions	9

CHAPTER 2

Article 20	- Designation of Zones	32
Article 21	- Maps	34
Article 22	- Zone Boundaries	35

CHAPTER 3

Article 30	- Agricultural Forestry Zones	36
Article 31	- A Zone (Light Agricultural)	37
Article 32	- AF Zone (Agricultural Forestry)	40
Article 33	- F Zone (Forestry Zone).....	44

CHAPTER 4

Article 40	- Single Family Residential Zones	47
Article 41	- RA Zone (Residential Agricultural)	48
Article 42	- RD 5,000 Zone (Residential Single Family).....	54
Article 43	- RD 6,000 Zone (Residential Single Family).....	60
Article 44	- RD 7,000 Zone (Residential Single Family).....	63
Article 45	- RD 8,000 Zone (Residential Single Family).....	66
Article 46	- RD 10,000 Zone (Residential Single Family)	69
Article 47	- RD 20,000 Zone (Residential Single Family)	73
Article 48	- RD 40,000 Zone (Residential Single Family)	76

CHAPTER 5

Article 50	- Multiple Family Residential Zones	79
Article 51	- RD 3,000 Zone (Residential Multiple Family)	80
Article 52	- RD 1,500 Zone (Residential Multiple Family)	86
Article 53	- RD 500 Zone (Residential Multiple Family)	89
Article 54	- MHP Zone (Mobile Home Park)	91

August 29, 1972

CHAPTER 6

Article 60 - Commercial Zones.....	96
Article 61 - CP Zone (Commercial Administrative Professional)....	97
Article 62 - C-1 Zone (Commercial Neighborhood).....	102
Article 63 - C-2 Zone (Commercial Community).....	105
Article 64 - C-3 Zone (Commercial Regional).....	113
Article 65 - C-4 Zone (Commercial Central Business District)....	119
Article 66 - C-5 Zone (Commercial Highway).....	125
Article 67 - CA Zone (Commercial Airport).....	131
Article 68 - CM Zone (Commercial Manufacturing).....	134

CHAPTER 7

Article 70 - Manufacturing Industrial Zones.....	140
Article 71 - M-1 Zone (Light Manufacturing Industrial).....	141
Article 72 - M-2 Zone (Medium Manufacturing Industrial).....	148
Article 73 - M-3 Zone (Heavy Manufacturing Industrial).....	153

CHAPTER 8

Article 80 - Special Purpose Zones.....	158
Article 81 - SP-1 Zone (Rural Residential - 1 Acre).....	160
Article 82 - SP-2 Zone Overlying Zone (Critical Deer Winter Range)	165
Article 83 - SP-3 Zone Overlying Zone (Wildlife Corridor).....	166
Article 84 - SP-4 Zone (Reserved).....	167
Article 85 - SP-5 Zone (Exclusive Farm Use).....	168
Article 86 - SP-6 Zone (Flood Plain - Watershed).....	171
Article 87 - SP-7 Zone (Scenic Corridor).....	174
Article 88 - SP-8 Zone (Neighborhood Recreation).....	176
Article 89 - SP-9 Zone (Community Recreation)	179
Article 90 - SP-10 Zone (Regional Recreation).....	182
Article 91 - SP-11 Zone (Marina).....	185
Article 92 - SP-12 Zone (Quarry).....	188
Article 93 - SP-13 Zone (Public Facilities).....	190
Article 94 - SP-14 Zone (Public Facilities).....	194
Article 95 - SP-15 Zone (Public Facilities).....	197
Article 96 - SP-16 Zone (Planned Unit Development).....	201
Article 97 - SP-17 Zone (Feedlot).....	205

CHAPTER 10

Article 100 - General Provisions - Property Development Standards	207
---	-----

August 29, 1972

Article 101 - Lot Area	209
Article 102 - Lot Width	210
Article 103 - Yards	212
Article 104 - Building Heights (Reserved)	214
Article 105 - Distance Between Buildings (Reserved)	215
Article 106 - Fences, Hedges and Walls (Reserved)	216
Article 107 - Signs	217
Article 108 - Access (Reserved)	219
Article 109 - Off-Street Parking	220
Article 110 - Landscaping	227

CHAPTER 11

Article 111 - Zoning Ordinance Amendment	228
Article 112 - Change of Zone	230
Article 113 - Variance	234
Article 114 - Conditional Use Permit	239
Article 115 - Waiver of Fees	245
Article 116 - Temporary Permits	246 <u>1 /</u>

CHAPTER 12

Article 120 - Non-conforming Lots, Buildings and Uses	248
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Autust 29, 1972

1 / Amended May 24, 1973

KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

IN THE MATTER OF RECOMMENDING)
THE ADOPTION OF A ZONING)
ORDINANCE FOR KLAMATH COUNTY)

WHEREAS, the Klamath County Board of County Commissioners has, pursuant to O.R.S. 215.030 duly and lawfully appointed the present Klamath County Planning Commission; and

WHEREAS, the Klamath County Planning Commission has, pursuant to O.R.S. 215.050, 215.055, and 215.060, adopted a Comprehensive Land Use Plan; and

WHEREAS, the Klamath County Board of Commissioners has asked the Klamath County Planning Commission to hold a Public Hearing on Zoning; and

WHEREAS, the Klamath County Planning Commission has, on August 22, 1972, held a Public Hearing on a Zoning Ordinance which was continued to August 29, 1972, after giving public notice of said Hearing; now, therefore

BE IT RESOLVED, that the Klamath County Planning Commission does hereby recommend that certain document and associated maps entitled KLAMATH COUNTY ZONING ORDINANCE be transmitted to the Board of County Commissioners for their approval.

Approved and adopted this 29TH day of August, 1972.

KLAMATH COUNTY PLANNING COMMISSION

J. M. Alford
Chairman

E. Williams
Member

Frank Tucker
Member

Member

Honey D Story
Member

L. L. Bonfield
Member

Jack R Crescenzi
Member

James M. Flannery
Member

August 29, 1972

ZONING ORDINANCE AMENDMENTS

Date Board Approved

Section

May 24, 1973

Sec. 111.002, 2
Sec. 111.002, 3, b.
Sec. 112.002, 7, b.
Sec. 112,002, 9
Sec. 112.002, 6
Sec. 112.002, 3
Sec. 112.002, 1
Sec. 113.002
Sec. 113.002, 13
Sec. 113.002, 3
Sec. 113.002, 6
Sec. 113.002, 9
Sec. 114.002, 7, b.
Sec. 114.002, 9 (two changes)
Sec. 114.002, 6
Sec. 114.002, 3
Sec. 114.002. 13
Sec. 114.002, 17
Sec. 116.001
Sec. 116.002
Sec. 116.003
Sec. 116.004

November 27, 1973

Sec. 31.002
Sec. 32.002
Sec. 54.003
Sec. 85.002
Sec. 113.002, 1
Sec. 114.002, 1

December 5, 1973

Sec. 111.002
Sec. 31.002
Sec. 32.002
Sec. 33.002
Sec. 71.002
Sec. 71.003

KLAMATH COUNTY, OREGON

ZONING ORDINANCE No. 17

AN ORDINANCE OF KLAMATH COUNTY, OREGON, PROVIDING FOR AND ESTABLISHING ZONES WITHIN KLAMATH COUNTY, DEFINING AND DESIGNATING THE USES OF LANDS AND BUILDINGS, HEIGHT AND LOCATION OF BUILDINGS AND STRUCTURES, YARDS AND OPEN SPACES, ADOPTING MAPS DEPICTING SUCH ZONES, DEFINING APPLICABLE TERMS, PRESCRIBING PROCEDURE FOR CHANGE OF ZONE, CONDITIONAL USE PERMITS, VARIANCE AND FURTHER PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ANY ORDINANCE OR PORTIONS OF ORDINANCES WHICH MAY BE IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE PEOPLE OF KLAMATH COUNTY, OREGON,
AS FOLLOWS:

August 29, 1972

C H A P T E R 1
GENERAL PROVISIONS

ARTICLE 10 - INTRODUCTORY PROVISIONS

SECTION 10.001 - AUTHORITY

This Ordinance is adopted pursuant to applicable provisions of Oregon Revised Statutes.

SECTION 10.002 - TITLE

This Ordinance shall be known as the Zoning Ordinance of Klamath County, Oregon.

SECTION 10.003 - PURPOSE

The purpose of this Ordinance is to classify, designate, segregate and encourage the highest, best and most appropriate location and uses of buildings, structures and land to serve the needs of agriculture, residences, commerce, industry, recreation and size of buildings and other structures; to define the appropriate size of yards and other open spaces; to regulate the density of population; to divide Klamath County into zones of such number, shape and area as may be best suited; to encourage the most appropriate use of land; to conserve and stabilize the value of property; to facilitate community utilities, such as transportation, water, sewage, schools, parks and other public conveniences and necessities; to lessen congestion on streets; and to promote the public health, safety and general welfare of the citizens of Klamath County.

SECTION 10.004 - PROHIBITION

No person shall use any premises in any zone defined in this Ordinance except as hereinafter provided for and subject to all the property development standards enumerated herein. Wherever this Ordinance prohibits any use of any land, building or structure for any purpose, such shall not be used, occupied, altered or improved for such purposes, and no building or structure shall be erected, constructed, enlarged or moved onto such land which is intended to be occupied or used for such purposes.

August 29, 1972

ARTICLE 11 - SCOPE

SECTION 11.001 - MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this Ordinance such shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

SECTION 11.002 - REPLACEMENT OF OTHER ORDINANCES

The provisions of this Ordinance shall not be deemed or construed to repeal, amend, modify, alter or change any other Ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters where this Ordinance is more restrictive than such other Ordinances or parts thereof; and if this Ordinance is found to be less restrictive, each such other Ordinance shall remain in full force and effect and shall prevail.

SECTION 11.003 - COMPLIANCE WITH OTHER ORDINANCES AND LAWS

Nothing in this Ordinance shall be construed to authorize the use of lands, buildings and/or structures in violation of this Ordinance or any other applicable statutes, ordinances or laws.

SECTION 11.004 - REFERENCE TO ANY PORTION OF THIS ORDINANCE

Whenever reference is made to any portion of this Ordinance, or of any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

SECTION 11.005 - SEVERABILITY OF ANY PORTION OF THIS ORDINANCE

If any provisions or portions of any provisions of this Ordinance, or the application thereof to any property or person is held invalid, the remainder of the Ordinance and the application of such provision to other persons or lands shall not be affected thereby.

SECTION 11.006 - CONTINUATION OF PREVIOUS GRANTED VARIANCES,
CONDITIONAL USE PERMITS AND OTHER PERMITS

All variances, conditional use permits or other permits heretofore granted pursuant to the provisions of duly enacted Ordinances, or as such may have been amended, shall remain in effect and shall be subject to all the conditions and provisions governing such variances, conditional use permits or other permits, unless

August 29, 1972

otherwise revoked, pursuant to applicable provisions contained herein.

SECTION 11.007 - CONTINUATION OF EXISTING NON-CONFORMING USES, BUILDINGS OR STRUCTURES

No use shall, at the time of enactment of this Ordinance, be non-conforming. In the event that the zoning Ordinance maps should unintentionally and erroneously not carry the proper zoning designation for uses lawfully existing prior to the enactment of this Ordinance, the Planning Commission shall, on its own motion and at its own expense, if appropriate, and with the property owner(s)' written consent, forthwith cause necessary public hearings to be held for the purpose of recommending to the Board changing such incorrectly-zoned property. Any use, building or structure which is made non-conforming subsequent to the enactment of this Ordinance shall be permitted to continue under this Ordinance and in determination of the termination date for such use, building or structure, computation shall commence from the original date it became non-conforming pursuant to such other applicable ordinance.

SECTION 11.008 - LAWFULLY ESTABLISHED USES MADE NON-CONFORMING AS A RESULT OF CHANGES IN PROPERTY DEVELOPMENT STANDARDS

A use which is not in violation of any provisions of this Ordinance and is considered non-conforming because it does not meet the requirements of the property development standards contained herein, may be changed or expanded as provided for in this Ordinance subject to all applicable provisions of this Ordinance.

SECTION 11.009 - PENDING PROCEEDINGS

When prior to the effective date of this Ordinance an action was taken pursuant to any other applicable ordinance or law which is affected by the provisions of this Ordinance, such action shall be deemed to have been taken pursuant to the provisions of this Ordinance and such matters shall be processed insofar as possible in accordance with the provisions of this Ordinance. Such actions may include but shall not be limited to the following:

- (1) The filing of a valid application for a change of zone, variance, conditional use permit, etc.;
- (2) The Planning Commission, Board of County Commissioners or any other duly constituted board or commission has indicated its intention to or has commenced proceedings to conduct a public hearing or hearings; and

August 29, 1972

(3) A hearing has been scheduled or held.

SECTION 11.010 - LICENSE APPROVAL

The rights granted by any permit, license or other approval pursuant to any ordinances repealed by this Ordinance shall not be affected by such repeal, however, such rights, license or approval shall be continued or maintained in accordance with the provisions of this Ordinance.

SECTION 11.011 - VIOLATION OF PREVIOUS ORDINANCES

Any use established or conducted, or any building or structure existing in violation of any duly enacted ordinance upon the effective date of this Ordinance, shall not be deemed to have acquired status or rights of a non-conforming classification by reason of the adoption of this Ordinance or any provisions thereof. To the extent that such use, building or structure was in violation of such ordinance, statute or law, or in violation of this Ordinance, such shall be deemed a continuing violation.

August 29, 1972

ARTICLE 12 - DELEGATION OF AUTHORITY

SECTION 12.001 - ADMINISTRATIVE AND ENFORCEMENT

The Planning Commission is hereby vested with the duty of administering the authority of enforcing this Ordinance.

August 29, 1972

ARTICLE 13 - TERMINOLOGY

SECTION 13.001 - GENDER

When consistent with the context, words in the masculine gender include the feminine and neuter gender.

SECTION 13.002 - MAY

The word "may" is permissive.

SECTION 13.003 - OATH

The word "oath" includes affirmation.

SECTION 13.004 - PLURAL

When consistent with the context, words in the plural include the singular.

SECTION 13.005 - SHALL

The word "shall" is mandatory.

SECTION 13.006 - SINGULAR

When consistent with the context, words in the singular number shall include the plural.

SECTION 13.007 - TENSES

When consistent with the context, words in the present tense include the future, and future tenses and words in the future tense include the present tense.

August 29, 1972

ARTICLE 14 - RESERVED

August 29, 1972

ARTICLE 15 - DEFINITIONS

To carry out the purpose and intent of this Ordinance and alleviate any ambiguities, the words, phrases and terms included herein shall be deemed to have the meaning ascribed to them in this Article.

SECTION 15.001 - "A"

ABUT OR ABUTTING - The same as adjoining.

ACCESS or ACCESS WAY - The place, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to or from property or use.

ACCESSORY USE - A use incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land which accessory use does not alter the principal use.

ADJACENT - Two (2) or more lots or parcels of land separated only by an alley, street, highway or recorded easement.

ADJOINING - Two (2) or more lots or parcels of land sharing a common boundary line, or two (2) or more objects in contact with each other.

ADVISORY AGENCY - The Planning Commission which shall serve in such capacity to the Board of County Commissioners on all matters designated by the Board of County Commissioners.

AGRICULTURAL PURPOSES - The predominate and gainful use of land for the following purposes: The growing of hay, grain, row crops, horticultural crops, livestock, poultry and produce.

AIRCRAFT - Any device used, or designed for flight in the air and capable of conveying persons or goods.

AIRPORT, COMMERCIAL - Any area of land or water which is used or intended to be used for the landing and taking off of aircraft and any appurtenant areas used or intended to be used for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon. Airport includes heliport and helistop.

AISLE - An access way to required vehicular parking spaces within a private, public or semi-public parking lot.

August 29, 1972

ALLEY - A public or private right-of-way permanently reserved as a means of vehicular access to the side or rear of properties abutting a street or highway.

AMENDMENT - A change in the wording, context or substance of this Ordinance, or a change in the zoning maps, which are part of this Ordinance when adopted in the manner prescribed by law.

ANIMAL HOSPITAL - A place where animals or pets are given medical or surgical treatment and are cared for during the course of such treatment. A kennel shall be considered incidental to an animal hospital.

APARTMENT HOTEL - A building or portion thereof used or containing a combination of three (3) or more dwelling units and six (6) or more guest rooms.

ARCHITECTURAL FEATURE - Open-work fences, open-air grills, decorative facade which may or may not be attached to the main building, however, may project therefrom. This does not include patio or guardrailing.

AREA - The net area, unless otherwise specified.

AREA, NET - That area of a lot or parcel of land exclusive of:

1. Public alleys, highways or streets, unless otherwise provided herein; or
2. Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project, unless otherwise provided herein; or
3. Other public or private easements where the owner of the servient tenement does not have the right to use the entire surface of the land unless otherwise provided herein.

ASSESSOR - The County Assessor of Klamath County.

AUTOMOBILE - The same as motor vehicle.

AUTOMOBILE DISMANTLING YARD - Any premises used for the dismantling for salvage and resultant sale of the integral

August 29, 1972

parts or component materials of motor vehicles required to be registered under the Vehicle Code of the State of Oregon. Automobile Dismantling Yard shall not be construed to mean Junk and Salvage Yard and not include the incidental storage of inoperative or disabled vehicles in connection with the operation of an automobile repair garage, automobile body and fender repair shop or automobile impound yard.

AUTOMOBILE IMPOUND YARD - Facilities designated or maintained by a governmental agency or the authorized agent thereof for the temporary storage of vehicles legally removed or impounded by a peace officer from public or private property.

AUTOMOBILE REPAIR GARAGE - A building enclosed on not less than three (3) sides, except when fronting on a dedicated street or alley, the building shall be enclosed on all sides by walls and/or doors and used for its servicing of motor vehicles, engine overhauling and automobile upholstery.

AUTOMOBILE SERVICE STATION - The premises from which are offered for sale, gasoline from pumps, tires, tubes, batteries and lubricants and which may offer in addition, such related services as battery charging, tube and tire repair, non-mechanical auto washing, lubrication services, minor motor tune-ups, brake service, wheel alignment, sale of such items as fuels, cigarettes, candy, cold drinks, and where permitted in the zone, the rental of trailers, cars or trucks from the premises where such areas are properly designated for the storage of such vehicles. The operation of an automobile service station shall include major motor tune-ups or overhaul, body and fender work, painting, upholstery work, auto glass replacing, welding, tire recapping, auto dismantling, and the sale of two (2) or more trailers, cars, trucks and boats from the premises.

SECTION 15.002 - "B"

BACHELOR APARTMENT - Two (2) or more connecting guest rooms which do not contain cooking facilities and are designed, used or intended to be used, rented or hired out as living accommodations for one (1) person as a single living unit.

BASEMENT - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

August 29, 1972

BOARD - The Board of County Commissioners of Klamath County.

BOARD OF COUNTY COMMISSIONERS - The Board of County Commissioners of Klamath County.

BODY AND FENDER SHOP - A building enclosed on all sides by walls and/or doors and used for the repair of motor vehicles including reforming of parts of the vehicle body, replacing fenders, doors, windows, upholstery, wheels, bumpers, radiators, headlights, etc., painting or repainting, aligning or realigning of component parts and such other work to cause such motor vehicles to be operable in accordance with the Vehicle Code of the State of Oregon.

BORROW PIT - The same as quarry.

BUILDING - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattel or property of any kind.

BUILDING, ACCESSORY - A detached subordinate building, the use of which is incidental to that of the main building or to the principal use of the land and which is located on the same lot or parcel of land with the main building or principal use of the land.

BUILDING HEIGHT - The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN - A building in which is conducted a principal use of the lot or parcel of land upon which it is situated. In a residential or agricultural zone any dwelling shall be deemed to be a main building upon the lot or parcel of land on which it is situated.

BUILDING SETBACK LINE - The minimum distance required between the property line of a lot or parcel of land and any point of a building or structure related thereto, exclusive of those architectural features permitted to extend into yards or open spaces.

SECTION 15.003 - "C"

CABANA - A stationary, lightweight structure which may be prefabricated or demountable with two (2) or more walls used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.

August 29, 1972

CAMP, YOUTH - Any place with a program established for the primary purpose of providing an outdoor group living experience for children under twenty-one (21) years of age with social, spiritual, educational or recreational objectives.

CAMPER - A structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.

CANAL OR DRAINAGE CHANNEL - Any existing or proposed open ditch, culvert or channel created, designed or constructed to transmit water for irrigation, drainage, or flood control purposes.

CARPORT - A permanently roofed structure with not more than three (3) enclosed sides, used or intended to be used for automobile shelter and storage.

CELLAR - That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

CEMETERY - Land used or intended to be used for the burial or interment of the dead and dedicated for cemetery purposes. Cemetery includes columbaria, crematories and mausoleums and may include mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery.

CENTERLINE - The centerline of a street or right-of-way. Where two (2) or more such centerlines are shown on any map, the line labeled "Proposed Centerline" is deemed to be the official centerline.

CHILDREN'S HOME - One (1) or more buildings used for the semi-permanent twenty-four (24) hour care of orphans or other children deprived of parental care, operated by a public agency or philanthropic or charitable organization, but shall not include commercial enterprises operated by such organizations or correctional institution.

CITY - The City of _____.

CITY RECORDER - The City Recorder of the City of _____.

CLUB, COUNTRY - A private club organized and operated for

August 29, 1972

social purposes and possessing outdoor recreational facilities, which may include but not be limited to, golf courses, tennis courts or polo grounds.

CLUB, PRIVATE - Any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMMERCE - The purchase, sale or other transaction involving the handling or disposition (other than that included in the term "industry") of any article, substance, commodity or service for livelihood or profit, including in addition, operation of mobile home parks, motels, public garages, office buildings, offices of doctors or other professionals, outdoor advertising signs and/or structures, public stables, recreation and amusement enterprises, places where commodities or services are sold or offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMISSION or PLANNING COMMISSION - The Planning Commission of Klamath County.

COMMON COUNCIL - The Common Council of the City of _____.

COMMUNICATION EQUIPMENT BUILDING - A building housing operating mechanical or electronic switching equipment of a telephone or similar communication system and personnel necessary for operation of such equipment.

CONDITIONAL USE PERMIT - The granting of a permit to allow a specific use of land which use is denoted as the use permitted by rights of a conditional use permit and which use is considered appropriate to the area in which it is to be located and will not be detrimental to abutting properties. Uses listed in this Ordinance as being permitted by conditional use permit and that were in existence on the effective date of this Ordinance may continue without securing a conditional use permit, however, any extension or expansion of such use or structure related thereto shall be subject to the granting of a conditional use permit.

CONDOMINIUM - An estate in real property consisting of an individual interest in common in a portion of real property together with a separate interest in space for residential, commercial, industrial or other purposes.

August 29, 1972

A condominium may include, in addition, a separate interest in other portions of such real property.

CONTIGUOUS - The same as adjoining.

CONVALESCENT HOME - The same as rest home.

COUNCIL - The City Council of the City of _____.

COUNTY - The County of Klamath.

COUNTY CLERK - The County Clerk of Klamath County.

COURT - An open, unoccupied space, bounded on two (2) or more sides by the walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

COVERAGE - That portion of a lot or building site which is occupied by any building or structure, regardless of whether said building or structure is intended for human occupancy.

SECTION 15.004 - "D"

DAIRY - Any premises where five (5) or more cows or goats, or any combination thereof equaling five (5) or more animals, are kept or maintained for the purpose of producing milk.

DETACHED LIVING QUARTERS - The same as guest house.

DIRECTOR - The Planning Director of Klamath County.

DRIVEWAY - An accessory to a required off-street parking lot or facility and shall be improved in accordance with applicable standards.

DUMP - A place used for the disposal, abandonment, discarding, dumping, reduction, burial, incineration or other means of solid waste, garbage, trash, refuse or waste material or substances.

DUPLEX - The same as dwelling, two-family.

DWELLING, MULTIPLE - A building or portion thereof, designed for occupancy by two (2) or more families, living independently of each other and containing two (2) or more dwelling units.

August 29, 1972

DWELLING, ONE-FAMILY - A detached building designed or used exclusively for occupancy by one (1) family and containing one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building designed or used exclusively for occupancy by two (2) families and containing two (2) dwelling units.

DWELLING UNIT - One (1) or more rooms in a building or portion thereof, designed, intended to be used, or used for occupancy by one (1) family for living and sleeping quarters and containing only one (1) kitchen.

SECTION 15.005 - "E"

EDUCATIONAL INSTITUTION - Public, parochial and other nonprofit institutions conducting regular academic instructions at kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities and nonprofit research institutions. Such institutions must either offer general academic instruction equivalent to standards prescribed by the State Board of Education or confer degrees as a college or university of undergraduate or graduate standing, or conduct research. Educational institution does not include schools, academies or institutions, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools. Educational institution may include, however, but not be limited to, classrooms, athletic fields, gymnasiums, parking, observatories, etc.

EXPLOSIVES - Any explosive substance having a power equal to or greater than that of ordinary black powder, including, but not limited to, blasting caps, detonating, fulminating, or electric caps, gunpowder and dynamite, but shall not include fixed ammunition for small arms.

SECTION 15.006 - "F"

FAMILY - An individual or two (2) or more persons related by blood or marriage living together in a dwelling unit, which may also provide meals or lodging for not more than four (4) additional persons (excluding servants) living in the same dwelling unit; or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

August 29, 1972

FEDERAL GOVERNMENT - The Government of the United States.

FEED LOT - An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing and does not include stock yards.

FENCE - Any structure forming a physical barrier which is so constructed that not less than fifty percent (50%) of the vertical surface is open to permit transmission of light, air and vision but which may be impenetrable to persons and animals.

FLIGHT STRIP - Any area of land or water which is used or intended to be used for the landing and taking off of aircraft, loading and unloading of passengers and cargo.

FLOOR AREA - The total horizontal area of all the floors of a building measured from the exterior surface of the outside walls including all floors below ground level but exclusive of vent shafts, courts, accessory garages, cellars and other accessory uses, including but not limited to, stairways, stairwells, elevator shafts, etc.

FLOOR AREA RATIO - The numerical value obtained through dividing the above ground floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

FORESTRY - The management and use for human benefit of the natural resources that occur on and in association with forest lands.

FREEWAY - A highway in respect to which the owners of adjoining lands have no right or easement of access to or from their adjoining lands, or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be such in compliance with the Streets and Highways Code of the State of Oregon, including principal roadways, interchange roadways connecting one freeway with another, and ingress and egress ramps connecting the freeway with other streets or highways, but not including frontage roadway.

SECTION 15.007 - "G"

GARAGE - Any building, with not less than three (3) enclosed sides, which is used or intended to be used for automobile shelter or storage. When fronting on a dedicated street or alley, such building shall have a door or doors.

August 29, 1972

GARBAGE DUMP - The same as dump.

GRADE, GROUND LEVEL - The average level of the finished ground surface surrounding a building, measured at the center of all walls of the building.

GRADIENT - The rate of vertical change of ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

GREENHOUSE - A building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath which is devoted to the protection or cultivation of flowers or other plants and shall be classified as a building in determining lot coverage.

GUEST - Any transient persons who occupy a room for sleeping purposes.

GUEST HOUSE - Living quarters within an accessory building located on the same premises with a main building and occupied solely by members of the family or temporary guests. Such quarters shall have no kitchen and shall not be rented or otherwise used as a separate dwelling unit and shall be classified as a building in determining lot coverage.

GUEST RANCH - Any property operated as a ranch which offers guest rooms for rent or hire and which has outdoor facilities such as horseback riding, swimming or hiking.

SECTION 15.008 - "H"

HEALTH STUDIO OR SALON - A studio or salon providing facilities and services to aid in personal health pursuits.

HEDGE - Landscaping so arranged to form a physical barrier or enclosure.

HEIGHT - (See Building Height)

HELIPORT, COMMERCIAL - Any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and cargo and may include other appurtenant facilities permitted at a heliport other than a shelter for passengers.

August 29, 1972

HELISPOT - A site reserved for the landing and taking off of helicopters, loading and unloading of passengers and cargo.

HIGHWAY - As used in this ordinance, shall include a parkway, major or secondary highway or freeway.

HIGHWAY, MAJOR - A major highway shown as such on a master plan of streets and highways.

HIGHWAY, SECONDARY - A secondary highway shown as such on a master plan of streets and highways.

HOG RANCH - Any premises where three (3) or more weaned hogs are kept or maintained.

HOME OCCUPATION - Any use conducted within a dwelling or allowable accessory building and carried on by the inhabitants thereof and not objectionable or detrimental to the neighborhood in which located. The residential character of the building shall be maintained so that no outward appearance of a business is manifested.

HOSPITAL - An institution providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitarium, sanatorium and institutions for the cure of chronic drug addicts and mental patients.

HOTEL - Any building or portion of any building with access provided through a common entrance, lobby or hallway to six (6) or more guest rooms, having no cooking facilities, and which rooms are designed, intended to be used, or are used, rented or hired out as temporary or overnight accommodations for guests.

HOUSE CAR - A motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been attached and which is not used to transport property on its own structure other than property used for human habitation or camping purposes. House car includes a camp car.

HOUSEHOLD PET - Any domesticated animal commonly maintained in residence with man.

August 29, 1972

SECTION 15.009 - "I"

INDUSTRY - The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof, including storage elevators, truck terminals and the like, warehouses, wholesale storage and other similar types of endeavors.

SECTION 15.010 - "J"

JUNK AND SALVAGE YARD - Any premises used for the keeping or storage of junk, including but not limited to, iron and scrap metals, paper, rags, glass, wood and similar materials and shall include the dismantling of machinery or the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking operations on said property or elsewhere. Junk and salvage yard shall also include the baling of cardboard, cardboard boxes, paper and paper cartons.

SECTION 15.011 - "K"

KENNEL, COMMERCIAL - Any lot or premises on which dogs or other animals are kept for boarding, training and selling for compensation.

KENNEL, NON-COMMERCIAL - Any lot or premises on which four (4) or more dogs or other animals, at least four (4) months of age, are kept, boarded or trained.

KITCHEN - Any space within a building designed, intended to be used or used for the cooking or the preparation of food.

SECTION 15.012 - "L"

LANDSCAPING - The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone and structural features, including but not limited to fountains, reflecting pools, art works, screens, walls, fences and benches.

LIVESTOCK - Domestic animals of types customarily raised or kept on farms for profit or other purposes.

August 29, 1972

LOADING SPACE - An off-street parking space reserved for loading or unloading of vehicles.

- LOT** - a. A parcel of real property which is shown as a lot in a subdivision on a plat recorded in the office of the County Clerk of Klamath County; or
- b. A parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the applicable laws in the office of the County Clerk of Klamath County.

LOT AREA - The total area, measured in a horizontal plane included within the lot lines of a lot or parcel of land. Portions of a lot or parcel of land which have a slope of four to one (4 feet horizontal to 1 foot vertical) or steeper, shall not be included in the computation of lot area. Such provisions shall not apply to real property within zones requiring lot areas of 20,000 square feet or more.

LOT, CORNER - A lot or parcel of land situated at the intersection of two (2) or more streets and/or highways, which streets or highways have an angle of intersection, measured within said lot or parcel of land, of not more than one hundred thirty-five degrees.

LOT DEPTH - The horizontal distance measured between the midpoints of the front and rear lot lines.

LOT, HILLSIDE - A lot or parcel of land which in part or in total has a slope of eight to one (8 feet horizontal to 1 foot vertical) or steeper between any two (2) or more property lines.

LOT, INTERIOR - A lot or parcel of land other than a corner lot.

LOT, KEY - An interior lot adjoining the rear lot line of a reversed corner lot.

LOT LINE, FRONT - A line separating an interior lot from a street or highway, or a line separating the narrower street frontage of a corner lot on a reversed corner lot from the street or highway.

LOT LINE, REAR - A lot line which is opposite and most distant from the front lot line. For a triangular or gore-shaped lot the rear lot line shall mean a line having a length of not less than ten (10) feet within the lot which is parallel to the front

August 29, 1972

lot line, or parallel to the chord of a curved front lot line, and at the maximum distance from the front lot line.

LOT LINE, SIDE - Any lot boundary line which is not a front lot line or a rear lot line.

LOT, REVERSED CORNER - A corner lot, the side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said corner lot.

LOT, SUBSTANDARD - A lot whose area, width or depth is less than that required.

LOT, THROUGH - An interior lot having a frontage of two (2) streets and/or highways.

LOT WIDTH - The horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance midway between the front and rear lot lines.

SECTION 15.013 - "M"

MARQUEE - A permanent, roofed structure attached and supported by the building and projecting over public or private property.

MEDICAL CLINIC - Any facility providing physical or mental health service, and medical or surgical care of the sick or injured but shall not include inpatient or overnight accommodations. Medical clinic includes health center, health clinic and doctors' offices.

MICROWAVE STATION - A building housing equipment necessary for the receiving, amplifying or transmitting of microwave signals, including necessary antenna systems along a communications route which employs microwave frequencies assigned by the Federal Communications Commission.

MOBILE HOME - A vehicle or structure constructed for movement on the public highway that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes.

MOBILE HOME PARK - Any place where two (2) or more mobile homes are parked within five hundred (500) feet from 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 or patronage of such person.

August 29, 1972

MOTEL - One (1) or more buildings containing guest rooms or dwelling units, with one (1) or more such rooms or units having a separate entrance leading directly from the outside of the building or from an inner court. Such facilities are designed, used, or intended to be used, rented or hired out for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. Motel includes auto courts, motor lodges, tourist courts and motor hotels.

MOTOR VEHICLE - A self-propelled device licensed by the State of Oregon by which any persons or property may be propelled, moved, or drawn upon a street or highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

SECTION 15.014 - "N"

NON-CONFORMING USE - Any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time this Ordinance or any amendment thereto became effective but which, due to the application of this Ordinance or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

NON-CONFIRMING STRUCTURE - Any structure or improvement that was lawfully established and in compliance with all applicable ordinances and laws at the time this Ordinance or any amendment thereto became effective, but which, due to the application of this Ordinance or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

NURSERY SCHOOL - A school providing day care for pre-elementary school age children.

NURSING HOME - The same as rest home.

August 29, 1972

SECTION 15.015 - "O"

ORDINANCE - An ordinance duly enacted by the legislative authority having jurisdiction.

OUTDOOR ADVERTISING - The use of a sign or signs soliciting public support or directing public attention to the sale, lease, hire, or use of any objects, products, services or functions which are not produced, sold or otherwise available on the premises where such sign is erected or maintained.

OWNER - The individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in real property.

SECTION 15.016 - "P-Q"

PARCEL OF LAND - A contiguous quantity of land in the possession of or owned by, or recorded as the property of, the same claimant or person.

PARKING SPACE - A readily accessible area, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one (1) motor vehicle.

PARKWAY - A parkway shown as such on a master plan of streets and highways.

PATIO - A roofed area permanently open on not less than three (3) sides and used solely for outdoor living. Said patio will be considered to be open when enclosed by screening or any structure or structural material forming a physical barrier so not less than fifty percent (50%) of the vertical surface is permanently open to permit the transmission of light, air and vision through said surface in a horizontal plane but which is unpenetrable to persons and animals.

PERSON - Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, political subdivision, foreign country, or any other group or combination acting as a unit.

August 29, 1972

PETROLEUM BULK PLANT - Any premises used for the wholesale distribution and storage of gasoline, oil or petroleum but shall not include the storage of liquid petroleum gas, a tank farm, or be connected to a pipe line constituting, in effect, a petroleum terminal.

PLANNED UNIT DEVELOPMENT - A development approved by the proper authorities based on a comprehensive and complete design or plan denoting all forms of uses of the land affected by the plan.

PORTE-COCHERE - An accessory structure open on three (3) sides and attached to the side or front of a building through which cars pass and is for the loading and unloading of passengers from an automobile. A porte-cochere is not a carport or garage nor may it be used to satisfy off-street parking requirements.

POULTRY - Domestic birds and/or fowl customarily raised or kept on a farm for profit or other purposes.

POUND - A place used for the temporary detention of stray or unlicensed animals having facilities for four (4) or more animals.

PRESERVE, HUNTING AND FISHING - An area used primarily for regulated hunting or fishing in accordance with applicable statutes.

PUBLIC UTILITY SERVICE CENTER - Any buildings or premises used for the administration of public utility repair, maintenance and installation crews including parking for vehicles, not to exceed one and one half (1-1/2) tons rated capacity, but not including warehouses or storage yards.

PUBLIC UTILITY SERVICE YARD - Any buildings or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility including microwave repeater stations when incorporated as a part of the service yard use.

QUARRY - Any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. Quarry shall include mining operations for the removal of ores, precious stones, or other solid minerals.

August 29, 1972

QUARRY, NON-COMMERCIAL - Any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. Quarry shall include mining operations for the removal of ores, precious stones, or other solid minerals but not more than ten (10) percent of the material by volume of the quarry site can be made available to the public. The meaning of public shall not include federal, state, city and county governments.

SECTION 15.017 - "R"

RAMADA - A stationary structure having a roof extending over a mobile home or trailer which may also extend over a patio or parking space for motor vehicles and is used principally for protection from sun and rain.

RESIDENCE - One (1) or more rooms designed, used or intended to be used as permanent living quarters for a family and not as temporary or overnight accommodations.

RESIDENTIAL MOBILE HOME PARK - The same as mobile home park.

REST HOME - A home offering or providing lodging, meals, nursing, dietary, or other personal services to convalescents, invalids or aged persons but does not include surgery or the care of persons with contagious or communicable diseases. Rest home includes convalescent home and home for the aged.

ROOM - An unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways and service porches.

ROOM, GUEST - One (1) room which does not contain cooking facilities and is designed, used or intended to be used as temporary sleeping accommodations for any person.

ROOMING HOUSE AND BOARDING HOUSE - A lodging house, or other building or structure maintained, advertised, or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public whether with or without meals. Rooming house includes fraternity and sorority houses.

August 29, 1972

SECTION 15.018 - "S"

SANITARIUM AND SANATORIUM - The same as hospital.

SCHOOL, TRADE - Private schools offering instruction in the technical, commercial and/or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar commercial establishments.

SIGN, ACCESSORY - Any sign other than outdoor advertising.

SIGN - Any method of display or part thereof, for visual communication that shall include any announcement, declaration, demonstration, display, illustration or insignia, which is used to advertise or promote the interest of any person, business, group or enterprise and shall include accessory signs and outdoor advertising, but shall not include official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty, or by any person giving legal notice, directional, warning or information structure required or authorized by law or by federal, state or county authority or permanent memorial or historical signs, plaques or markers.

SIGN AREA - The field of the sign, not including structural supports and not including the face of the building, except that portion which forms the field.

SITE PLAN - A plan other than a building plan showing the physical arrangement, design or use of a lot or parcel of land, buildings or structures indicating uses, form, dimensions and other pertinent data.

SLOPING TERRAIN - Any ground surface having a rate of incline or decline of greater than twelve and one-half percent (12-1/2) gradient.

SOLID FILL - Any non-combustible materials, insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

SOLID FILL PROJECT - Any operation on a parcel of land where more than one thousand (1,000) cubic yards of solid fill materials are deposited for any purpose including the grading or reclaiming of land.

August 29, 1972

SOLID WASTE - All putrescible and non-putrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage, or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, ashes, sewage sludge, street refuse, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable and animal solid and semi-solid wastes, dead animals and other discarded solid materials.

STATE - The State of Oregon.

STORY - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Story includes a basement but not a cellar.

STOCKYARD - A yard for stock in which cattle, sheep, goats, swine or horses are kept temporarily for slaughter, market or shipping.

STORY, HALF - A story with at least two (2) of its opposite sides situated immediately under a sloping roof, with the floor area of said story not in excess of two-thirds (2/3) of the floor area of the floor immediately below it.

STREET - A public or private right-of-way, other than a parkway, major or secondary highway, freeway, or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, such as bearing walls, column, beam or guides, floor or ceiling joists, roof rafters, roof diaphragms, roof trusses, foundations, piles, retaining walls or similar.

STRUCTURE - Anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

STRUCTURE, ADVERTISING - A structure existing, erected or maintained to serve exclusively as a stand, frame or background for the support or display of signs.

August 29, 1972

SUBDIVISION - An act of subdividing land or a tract of land subdivided. Leasing of dwelling units, offices, stores or similar space within an apartment, commercial or industrial building shall not be construed to be a subdivision. The term subdivision does, however, include condominium as such is defined in this Ordinance.

SUBDIVISION, HILLSIDE - Any subdivision containing lots or parcels of land classified as Hillside Lot as defined in this Ordinance.

SWIMMING POOL - A tank or pool erected by artificial means designed for the purpose of containing an outside body of water for the purpose of swimming; however, shall not include a tank or pool designed for containment of water having walls or sides less than eighteen (18) inches in height and reserved for the purpose of swimming or wading.

SECTION 15.019 - "T"

TELEPHONE REPEATER STATION - A building used for housing amplifying equipment along aerial or underground telephone cable routes.

TRAILER - A vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. Trailer includes semi-trailers; however, shall not include travel trailers or trailer coach.

TRAILER COACH - The same as vacation trailer.

TRAILER PARK - The same as mobile home park.

TRAILER SITE - That portion of a mobile home park designated for use or occupancy of one (1) trailer coach or mobile home and including all appurtenant facilities thereon.

TRANSFER STATION - An area, including any necessary buildings or structures for the temporary storage and the salvage of rubbish, garbage or industrial waste.

TRIPLEX - The same as dwelling, three-family.

TRUCK REPAIR GARAGE - The premises used for the servicing and/or repair of trucks, tractors, buses or other heavy motor vehicles including major overhauling and painting.

August 29, 1972

SECTION 15.020 - "U"

UNIT PLANNED DEVELOPMENT - A development approved by the proper authorities based on a comprehensive and complete design or plan denoting all forms of uses of the land affected by the plan.

USE - The purpose for which land and/or buildings are erected, arranged, designed or intended, or for which land and/or buildings are or may be occupied or maintained.

SECTION 15.021 - "V"

VACATION TRAILER - A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, is not being used for residential purposes and is being used for vacation and recreational purposes.

SECTION 15.022 - "W"

WRITING - Any form of message recorded in English and capable of visual comprehension.

SECTION 15.023 - "Y"

YARD - An open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a building from the ground upward.

YARD, FRONT - A yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line, where the front lot line is co-terminus with the street line of a fully widened street or highway, or the ultimate street line of a partially widened street or highway and a line parallel thereto on the lot or parcel of land.

YARD, REAR - A yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

August 29, 1972

YARD, SIDE - A yard extending from the required front yard, or the front lot line where no front yard is required to the required yard or to the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal distance between each side lot line and a line parallel thereto on the lot or parcel of land. Where a side yard is bounded by a street or highway, the width of such required side yard shall be a specified horizontal distance between the side lot line on the street or highway side, where said side lot line is co-terminous with the street line of a fully widened street or highway, or the ultimate street line of a partially widened street or highway, and a line parallel thereto on the lot or parcel of land.

SECTION 15.024 - "Z"

ZONE CHANGE - Change of zone from one zone to another.

ZONING ORDINANCE AMENDMENT - An amendment to the text of this Ordinance.

ZOO - A zoological garden or collection of living animals maintained and operated for public display.

August 29, 1972

C H A P T E R 2

ARTICLE 20 - DESIGNATION OF ZONES

SECTION 20.001 - LIST OF ZONES

The following zones are established in order to carry out the purpose of this Ordinance:

A	Light Agricultural Zone
AF	Agricultural Forestry Zone
F	Forestry Zone
RA	Residential Agricultural Zone
RD 5,000	Residential Single Family Zone
RD 6,000	Residential Single Family Zone
RD 7,000	Residential Single Family Zone
RD 8,000	Residential Single Family Zone
RD 10,000	Residential Single Family Zone
RD 20,000	Residential Single Family Zone
RD 40,000	Residential Single Family Zone
RD 500	Residential Multiple Family Zone
RD 1,500	Residential Multiple Family Zone
RD 3,000	Residential Multiple Family Zone
MHP	Mobile Home Park Zone
CP	Commercial Professional Zone
C-1	Commercial Neighborhood Zone
C-2	Commercial Community Zone
C-3	Commercial Regional Zone
C-4	Commercial Central Business District Zone
C-5	Commercial Highway Zone
CA	Commercial Airport Zone
CM	Commercial Manufacturing Zone
M-1	Light Manufacturing Industrial Zone
M-2	Medium Manufacturing Industrial Zone
M-3	Heavy Manufacturing Industrial Zone
SP-1	Special Purpose Rural Residential Zone - 1 acre
SP-2	Overlying Zone - Critical Deer Winter Range Zone
SP-3	Overlying Zone - Deer Preservation Zone
SP-4	Reserved
SP-5	Exclusive Farm Use Zone

August 29, 1972

SP-6	Flood Plain - Watershed Zone
SP-7	Overlying Zone - Scenic Corridor Zone
SP-8	Neighborhood Recreational Zone
SP-9	Community Recreational Zone
SP-10	Regional Recreational Zone
SP-11	Marina Zone
SP-12	Quarry Zone
SP-13	Public Facilities Zone
SP-14	Public Facilities Zone
SP-15	Public Facilities Zone
SP-16	Planned Unit Development Zone
SP-17	Feed Lot Zone

August 29, 1972

ARTICLE 21 - MAPS

SECTION 21.001 - ZONING MAPS

The various zones defined in this Ordinance are denoted on the Official Zoning Map (or maps) of Klamath County and are adopted as a part of this Ordinance and any zoning map or maps denoting thereon any type of zoning are declared null and void and are superseded by the Official Zoning Map (or maps) of Klamath County except for maps of the Klamath County Pelican City Zoning Ordinance and the Lakeshore Drive Zoning Ordinance.

August 29, 1972

ARTICLE 22 - ZONE BOUNDARIES

SECTION 22.001 - UNCERTAINTIES OF ZONE BOUNDARIES

Where uncertainties exist as to boundaries of any zone shown upon the Official Zoning Map (or maps) of Klamath County, the following provisions shall apply:

1. Where boundaries are indicated as approximate following lot lines, rights-of-way of highways, streets, alleys, roads, canals, railroads or contours and the like, such line shall be construed to be such boundaries.
2. In the case of unsubdivided property where a zone boundary divides a lot or parcel of land, the location of such boundary which is not indicated by dimension or legal description shall be determined by use of the scale appearing upon the zoning map or maps.
3. Where a public highway, street or alley or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street or alley shall have applied thereto the same zone as that of the property to which it reverts.
4. Railroad rights-of-way and areas used solely for the purpose of accommodating tracks, signals and other operative devices and the movement of rolling stock shall be deemed to be zoned to permit the continued use as such.
5. In the case of land used for agriculture or forestry purposes where a zone boundary divides the land, the location of such boundary which is not indicated by dimension or legal description shall be determined by the Planning Commission by resolution setting forth justification of the determination.
6. Easements or land areas used solely for electric power lines and poles, telephone lines and poles and gas transmission lines shall be deemed to be zoned to permit the continued use as such.

August 29, 1972

CHAPTER 3

ARTICLE 30 -- AGRICULTURAL FORESTRY ZONES

SECTION 30.001 - DESIGNATION OF AGRICULTURAL-FORESTRY ZONES

As used in this Ordinance, Agricultural-Forestry Zones shall include the following zones:

- A Light-Agricultural Zone
- AF Agricultural-Forestry Zone
- F Forestry Zone

SECTION 30.002 - PURPOSE

The Agricultural-Forestry Zones are established to promote agricultural and forestry uses and to serve as an area into which other forms of land use may extend as the demand arises. Provisions are also made for the placing or maintenance of related residential uses, recreational facilities, public facilities and community services which are required or desirable to permitted uses or for the area in which such zone is situated.

August 29, 1972

ARTICLE 31 - A ZONE (LIGHT AGRICULTURAL ZONE)

SECTION 31.001 - INTENT

This zone is intended to encourage light agricultural pursuits and such other uses incidental to tree, field or row crops, the keeping of poultry and rabbits and the keeping of horses or bovine animals.

SECTION 31.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Church

Dwellings, one family and multiple, and mobile homes, for owners or contractual purchasers (and for those persons related to the owner or contractual purchaser or spouse, by blood, marriage, adoption, including foster children), operators and/or employees required to perform work in conjunction with permitted uses. $\frac{1}{2}$

Existing railroad trackage and appurtenances

Flood control facilities and irrigation projects

Governmental buildings and facilities related to agricultural pursuits

Home occupation

Keeping of horses, sheep, goats, pigs, cattle and similar animals

Keeping of poultry, fowl, rabbits, chinchilla and the like

Kennel, non-commercial

Lodges and community halls

Raising crops, including field, tree, bush, berry, nursery stock, hay, grain and the like

Sale of agricultural products grown or raised on the premises

SECTION 31.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Animal hospital

August 29, 1972

$\frac{1}{2}$ Amended November 27, 1973
 $\frac{2}{2}$ Amended December 5, 1973

Educational institutions
Farm labor camps
Golf courses
Hospitals, nursing homes and sanitariums
Kennels, commercial
Microwave radio or television stations and
transmitting towers
Outdoor Advertising
Public utility facilities
Rifle, shotgun, and pistol range
Sewage treatment plants
Temporary carnivals and bazaars in conjunction with
churches, educational institutions or service
clubs

SECTION 31.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Amusement parks
Carnivals and circuses
Garbage dumps
Residential, commercial and industrial, unless
otherwise provided for herein
Wrecking yards

SECTION 31.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Minimum lot area shall be not less than one (1) acre.
- B. Lot dimensions
1. Width - Minimum lot width shall be not less

August 29, 1972

than one hundred (100) feet except in the case of a corner lot which shall be not less than one hundred ten (110) feet.

2. Depth - Minimum lot depth shall be not less than one hundred fifty (150) feet.

C. Yards

1. Front yard - No structure shall be located closer than seventy-five (75) feet to the centerline of a street or highway.

2. Side yard - Shall not be less than ten (10) feet for interior lots and twenty (20) feet where abutting streets or highways.

3. Rear yards - Minimum of twenty-five (25) feet.

D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet.

E. Distance between buildings - No stable, barn, pen or corral shall be located within fifty (50) feet of any dwelling or other building used for human habitation and no accessory dwelling shall be located closer than ten (10) feet to any other structure used for human habitation, only in instances of adjacent properties under different ownerships.

F. Fences, hedges and walls - No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic.

G. Signs - No sign shall be placed to create a visual obstruction to vehicular traffic.

H. Access - Access to property fronting upon a County or State Highway shall be subject to the approval of the Director of Public Works.

I. Off-street parking-- Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 32 - AF ZONE (AGRICULTURAL-FORESTRY ZONE)

SECTION 32.001 - INTENT

The AF Zone is intended to allow for the unrestricted pursuit of agricultural and forestation activities.

SECTION 32.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

- Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
- Animal hospital
- Animal husbandry, including the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and other animals
- Animal training
- Church
- Dwellings, one family and multiple, and mobile homes, for owners or contractual purchasers (and for those persons related to the owner or contractual purchaser or spouse, by blood, marriage, adoption, including foster children), operators and/or employees required 1 / 2 / to perform work in conjunction with permitted uses.
- Farms and ranches involving the raising of poultry, fowl, birds, chinchilla, fish, bees and the like and the raising of crops including but not limited to, field, tree, bush, berry, nursery stock, Christmas trees, hay, grain, seed and similar food and fiber products
- Feed lots, less than equivalent of 3500 cattle
- Feed mixing and storage facilities
- Flight strips and helistops for the purpose of serving permitted uses
- Flood control facilities and irrigation projects
- Forestry
- Governmental buildings and facilities related to agricultural and forestry pursuits
- Kennel, commercial
- Livestock auction and livestock sales yard
- Lodges and community halls
- Logging operations
- Microwave radio or television stations and transmitting towers, commercial

August 29, 1972

1 / Amended November 27, 1973

2 / Amended December 5, 1973

Outdoor advertising
Pasture and grazing
Plants for the storage, processing, packing and
fabrication of agricultural and forestry
products
Public and private hunting and fishing preserves
Quarries, non-commercial
Raising and selling of furbearing animals
Riding academies and stables including boarding
of horses
Rifle, shotgun, and pistol ranges
Sale of agricultural and forestry products
Sawmill
Shops for the service and repair of equipment
utilized in the operation of agricultural
and forestry endeavors

SECTION 32.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE
PERMIT

The following uses may be permitted subject to a conditional
use permit as provided for in Section 114.001:

Airports, heliports
Amusement parks
Campgrounds, picnic areas, parks, overnight trailer
accommodations
Cemeteries
Correctional institutions
Distilleries
Educational institutions
Fairgrounds
Farm labor camps
Fertilizer plants including chemical
Golf courses
Hospitals, nursing homes and sanitariums
Paper mill
Penal farms
Public garbage dumps
Public sanitary land fill
Public utility facilities
Pulp mill
Quarries, commercial
Race tracks

August 29, 1972

Refuse transfer station
Rendering plants
Sewage treatment plants
Solid waste disposal facilities
Stadiums
Home occupation

SECTION 32.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Carnivals and circuses
Garbage dump
Residential, commercial and industrial, unless
otherwise provided for herein
Wrecking yards

SECTION 32.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimension, may be used subject to all other standards:

- A. Lot area - Minimum lot area shall be not less than twenty (20) acres.
- B. Lot dimensions
 1. Width - No provisions
 2. Depth - No provisions
- C. Yards
 1. Front yard - No structure shall be located closer than seventy-five (75) feet to the centerline of a street or highway.
 2. Side yard - Shall not be less than ten (10) feet for interior lots and twenty (20) feet where abutting streets or highways.
 3. Rear yard - Minimum of twenty-five (25) feet.

August 29, 1972

- D. Building heights - No provisions.
- E. Distance between buildings - The "Distance between buildings" provisions contained in Section 31.005, E., shall apply.
- F. Fences, hedges and walls - The "Fences, hedges and walls" provisions contained in Section 31.005, F., shall apply.
- G. Signs - The "Signs" provisions contained in Section 31.005, G., shall apply.
- H. Access - The "Access" provisions contained in Section 31.005, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 33 - F ZONE (FORESTRY ZONE)

SECTION 33.001 - INTENT

This zone is intended to provide for the production of timber crops and/or other natural resources normally associated with timber enterprises.

SECTION 33.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
Animal husbandry, including the breeding and raising of cattle, sheep and horses
Dwellings, one family and multiple, and mobile homes, for owners, operators and/or employees required to perform work in conjunction with permitted uses 1/
Flight strips and helispots for the purpose of serving permitted uses
Flood control facilities and irrigation projects
Forestry
Governmental buildings and facilities related to agricultural and forestry pursuits
Home occupation
Logging operations
Microwave radio or television stations and transmitting towers, commercial
Pasture and grazing
Plants for the storage, processing, packing and fabrication of forest products
Public and private hunting and fishing preserves
Quarries, non-commercial
Reservoirs
Rifle, shotgun and pistol ranges
Sale of agricultural and forest products
Shops for the service and repair of equipment utilized in the operation of forestry endeavors and permitted agricultural pursuits

August 29, 1972

1/ Amended December 5, 1974

SECTION 33.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to conditional use permit as provided for in Section 114.001:

Airports, commercial or heliports, commercial
Campgrounds, picnic areas, parks, overnight trailer
accommodations
Correctional institutions
Educational institutions
Paper mill
Public garbage dumps
Public sanitary land fill
Public utility facilities
Pulp mill
Quarries, commercial
Sawmill
Solid waste disposal facilities

SECTION 33.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Amusement parks
Carnivals and circuses
Garbage dumps
Residential, commercial and industrial, unless other-
wise provided for herein
Wrecking yards

SECTION 33.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions
- B. Lot dimensions
 1. Width - No provisions
 2. Depth - No provisions

August 29, 1972

C. Yards

1. Front yard - No structure shall be located closer than seventy-five (75) feet to the centerline of a street or highway.
2. Side yard - Shall not be less than ten (10) feet for interior lots and twenty (20) feet where abutting streets or highways.
3. Rear yard - Minimum of twenty-five (25) feet.

D. Building height - No provisions

E. Distance between buildings - The "Distance between buildings" provisions contained in Section 31.005, E., shall apply.

F. Fences, hedges and walls - The "Fences, hedges and walls" provisions contained in Section 31.005, F., shall apply.

G. Signs - The "Signs" provisions contained in Section 31.005, G., shall apply.

H. Access - The "Access" provisions contained in Section 31.005, H., shall apply.

I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

C H A P T E R 4

ARTICLE 40 - SINGLE FAMILY RESIDENTIAL ZONES

SECTION 40.001 - DESIGNATION OF SINGLE FAMILY RESIDENTIAL ZONES

As used in this Ordinance, single family residential zones shall include the following:

RA	Residential-Agricultural Zone
RD 5,000	Residential Single Family Zone
RD 6,000	Residential Single Family Zone
RD 7,000	Residential Single Family Zone
RD 8,000	Residential Single Family Zone
RD 10,000	Residential Single Family Zone
RD 20,000	Residential Single Family Zone
RD 40,000	Residential Single Family Zone

SECTION 40.002 - INTENT

The single family residential zones are established to provide for single family residential areas and development for the purpose of single family living including the necessary appurtenant and accessory facilities and uses generally associated with this form of land use.

August 29, 1972

ARTICLE 41 - RA ZONE (RESIDENTIAL-AGRICULTURAL)

SECTION 41.001 - INTENT

This zone is intended to provide for single family residential living, the maintenance of domesticated animals on the same premises and limited agricultural pursuits on the same premises.

SECTION 41.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings including a single accessory living quarter, private stables, greenhouse and lath house

Dwellings, one family
Home Occupation

Keeping of horses, bovine, goats and sheep within a pen or corral subject to the following conditions: (1) the lot area is not less than 20,000 square feet; (2) there shall be not more than two (2) animals on any one (1) lot except where such lot area contains in excess of 20,000 square feet, two (2) additional animals may be maintained per acre.

Kennel, non-commercial

Keeping of poultry, rabbits and the like shall be permitted; however, not more than 25 shall be kept per acre.

Mobile Home, subject to the following conditions:

(1) there shall not be more than two (2) mobile homes on any one (1) lot; (2) that sanitation facilities shall be provided in accordance with applicable regulations; and (3) that the location and use shall be in accordance with applicable provisions of this zone.

Raising crops, including field, tree, bush, nursery stock and the like.

August 29, 1972

SECTION 41.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

- Churches
- Educational institutions
- Golf courses
- Parks, playgrounds or community centers owned and operated by a governmental agency or as created pursuant to a special district.
- Nursing homes
- Public utility facilities
- Keeping of animals other than listed in Section 41.002
- Temporary carnivals and bazaars in conjunction with churches, educational institutions or service clubs

SECTION 41.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

- Agricultural, residential, commercial and industrial, unless otherwise provided for herein.

SECTION 41.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Minimum lot area shall be not less than 20,000 square feet.
- B. Lot dimensions
 - 1. Width - Minimum lot width shall be not less than one hundred (100) feet except in the case a corner lot which shall be not less than one hundred ten (110) feet.
 - 2. Depth - Minimum lot depth shall be not less than one hundred fifty (150) feet.

August 29, 1972

C. Yards

1. Front yard - Each lot shall have a front yard of not less than twenty-five (25) feet extending across the full width of the lot except for permitted architectural projections.

Where lots comprising of 50% or more of the block frontage are developed with a front yard of in excess or less than the depth required herein, the average of such existing front yards shall establish the front yard for the remaining lots in the block frontage; however, in no case shall such front yard be less than fifteen (15) feet and existing front yards of more than forty (40) feet shall be determined as forty (40) feet in depth.

2. Side yard - Each lot shall have a side yard of not less than ten (10) feet except as follows:
 - a. Corner lots shall have a minimum side yard of not less than twenty (20) feet. No accessory buildings shall be located in said required side yard abutting a street.
 - b. Reverse corner lot shall have a minimum side yard abutting the street of not less than twenty (20) feet. No accessory buildings shall be located in said required side yard.
 - c. An accessory building used for garage purposes, whether attached or detached to the main dwelling unit, having direct access from a side street, shall be located not less than twenty-five (25) feet from a side property line abutting a street.
 - d. An accessory building used for garage purposes whether attached or detached to the main dwelling unit having direct access from a side alley shall be located not less than twenty-five (25) feet from the opposite side of said alley.

August 29, 1972

e. Buildings greater than one story in height shall have side yards increased two and one-half (2-1/2) feet for each story or fraction thereof above the first story.

3. Rear yard - Each lot shall have a rear yard of not less than twenty-five (25) feet except as follows:

a. Accessory buildings as herein permitted may be located in the required rear yard; however, an accessory building used for garage purposes having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley.

b. An accessory building located in a required rear yard of a reverse corner lot shall be located not less than twenty (20) feet from the side property line abutting a street and not less than five (5) feet from the rear property line.

4. Permitted projections in required yards:

a. Architectural features may be located in any required front, side or rear yard so long as they do not project more than four (4) feet into a required side yard, and four (4) feet into a required rear yard.

b. Open, unenclosed stairways, or balconies, porches and stoops may extend or project into the required front yard not more than two (2) feet and the required rear yard not more than four (4) feet.

D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet.

August 29, 1972

- E. Distance between buildings - The minimum distance between accessory and main buildings shall not be less than six (6) feet. The minimum distance between accessory buildings shall be not less than six (6) feet unless said buildings have a common or party wall.

No stable, barn, pen or corral shall be located within fifty (50) feet of any dwelling or other building used for human habitation and no accessory dwelling shall be located closer than ten (10) feet to any other structure used for human habitation.

- F. Fences, hedges and walls - Required: Swimming pools shall be entirely enclosed by building or by fences or by walls not less than six (6) feet in height. Any openings into the swimming pool area shall be equipped with self-closing and self-latching device.

No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic and the provisions relative to "Corner Cutback Area" Section 103.003 shall apply.

- G. Signs - A "for rent," "for sale," "vacancy" and similar signs may be permitted provided they are posted on the subject lot or on a building thereon by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than one (1) such sign for each street frontage.

Name plates not exceeding one (1) square foot in area may be permitted.

An identification sign denoting a permitted home occupation may be permitted so long as such sign does not exceed fifteen (15) square feet in area.

Subdivision signs shall be permitted, which said signs shall not exceed one hundred (100) square feet in area and shall be removed by the subdivider upon the sale of the last parcel or dwelling unit within the subdivision.

August 29, 1972

Signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways. No blinking, flashing or animated signs visible from any street or highway shall be permitted.

- H. Access - Vehicular access shall be provided to all lots from a dedicated street or alley. Vehicular access to lots fronting on major or secondary arterials shall be via an alley or service road.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 42 - RD 5,000 ZONE (RESIDENTIAL SINGLE FAMILY)

SECTION 42.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted on any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling unit are also permitted.

SECTION 42.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use.
Guest house
Single family dwellings

SECTION 42.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Churches
Day nurseries, nursery schools, boarding of children, provided that such shall be in accordance with state and local laws
Educational institutions
Mobile home dwellings
Parks, playgrounds or community centers owned and operated by a governmental agency or as created pursuant to a special district
Public utility facilities
Temporary carnivals and bazaars in conjunction with churches, educational institutions, or service clubs

August 29, 1972

SECTION 42.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, multiple family residential,
commercial and industrial, unless other-
wise provided for herein

SECTION 42.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Each lot shall have a minimum area of 5,000 square feet.
- B. Lot dimensions - All lots hereafter created shall comply with the following minimum standards and lots now held under separate ownership or of record may not be reduced to below the following standards:
 1. Width
 - a. Interior lots shall have a minimum width of fifty (50) feet;
 - b. Corner lots shall have a minimum width of fifty-five (55) feet;
 - c. Reverse corner lots shall have a minimum width of sixty (60) feet; and
 - d. Lots siding major or secondary arterials, educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of seventy (70) feet.

August 29, 1972

2. Depth

- a. Lots facing on a local street or access road shall have a minimum depth of one hundred (100) feet;
- b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred ten (110) feet; and
- c. Lots backing on educational institutions, recreational areas, churches, railroad rights-of-way and canals or drainage ditches shall have a minimum depth of one hundred twenty-five (125) feet.

C. Yards

1. Front yard - Each lot shall have a front yard of not less than twenty (20) feet extending across the full width of the lot except for permitted architectural projections.

Where lots comprising of fifty percent (50%) or more of the block frontage are developed with a front yard of in excess or less than the depth required herein, the average of such existing front yards shall establish the front yard for the remaining lots in the block frontage; however, in no case shall such front yard be less than fifteen (15) feet and existing front yards of more than forty (40) feet shall be determined as forty (40) feet in depth.

2. Side yard - Each lot shall have a side yard of not less than five (5) feet except as follows:
 - a. Corner lots shall have a minimum side yard of not less than ten (10) feet. No accessory buildings shall be located in said required side yard abutting a street.
 - b. Reverse corner lots shall have a minimum side yard abutting the street of not less than fifteen (15) feet. No accessory buildings shall be located in said required side yard.

August 29, 1972

- c. An accessory building used for garage purposes, whether attached or detached to the main dwelling unit having direct access from a side street shall be located not less than twenty-five (25) feet from a side property line abutting a street.
 - d. An accessory building used for garage purposes whether attached or detached to the main dwelling unit having direct access from a side alley shall be located not less than twenty-five (25) feet from the opposite side of said alley.
 - e. Buildings greater than one story in height shall have side yards increased 2-1/2 feet for each story or fraction thereof above the first story.
3. Rear yard - Each lot shall have a rear yard of not less than twenty (20) feet except as follows:
- a. Accessory buildings as herein permitted may be located in the required rear yard, however, an accessory building used for garage purposes having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley.
 - b. An accessory building located in a required rear yard of a reverse corner lot shall be located not less than twenty (20) feet from the side property line abutting a street and not less than five (5) feet from the rear property line.
4. Permitted projections in required yards:
- a. Architectural features may be located in any required front, side or rear yard so long as they do not project more than four (4) feet into a required front yard, two (2) feet into a required side yard and four (4) feet into a required rear yard.
 - b. Open, unenclosed stairways or balconies, porches and stoops may extend or project into the required front yard not more than four (4) feet, the required side yard not more than

August 29, 1972

two (2) feet and the required rear yard not more than four (4) feet.

- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet.
- E. Distance between buildings - The minimum distance between accessory and main buildings shall be not less than six (6) feet. The minimum distance between accessory buildings shall be not less than six (6) feet unless said buildings have a common or party wall.
- F. Fences, hedges and walls - Required: Swimming pools shall be entirely enclosed by building or by fences or by walls not less than six (6) feet in height. Any openings into the swimming pool area shall be equipped with a self-closing and self-latching device.

Permitted: Fences, hedges and retaining walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines on interior and corner lots and not closer than ten (10) feet to the side property line on a reverse corner lot.

No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic and the provisions relative to "Corner Cutback Area" Section 103.003 shall apply.

- G. Signs - A "for rent", "for sale", "vacancy" and similar signs may be permitted provided they are posted on the subject lot or on a building thereon by the owner or his authorized agent. Said signs shall not exceed four (4) square feet in area and there shall be not more than one (1) such sign for each street frontage.

Name plates not exceeding one (1) square foot in area may be permitted.

An identification sign denoting a permitted home occupation may be permitted so long as such sign does not exceed fifteen (15) square feet in area.

August 29, 1972

Subdivision signs shall be permitted, which said signs shall not exceed one hundred (100) square feet in area and shall be removed by the subdivider upon the sale of the last parcel or dwelling unit within the subdivision.

Signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways. No blinking, flashing or animated signs visible from any street or highway shall be permitted.

- H. Access - Vehicular access shall be provided to all lots from a dedicated street or alley. Vehicular access to lots fronting on major or secondary arterials shall be via an alley or service road.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 43 - RD 6,000 ZONE (RESIDENTIAL SINGLE FAMILY)

SECTION 43.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted on any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling unit are also permitted.

SECTION 43.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Those uses permitted in the RD 5,000 zone contained in Section 42.002

SECTION 43.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Those uses permitted in the RD 5,000 zone contained in Section 42.003.

SECTION 43.004 - USES EXPRESSLY PROHIBITED.

The following uses shall be expressly prohibited:

Those uses prohibited in the RD 5,000 Zone contained in Section 42.004.

August 29, 1972

SECTION 43.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards.

A. Lot area - Each lot shall have a minimum of 6,000 square feet.

B. Lot dimensions - All lots hereafter created shall comply with the minimum standards and lots now held under separate ownership or of record may not be reduced to below the following standards:

1. Width

a. Interior lots shall have a minimum width of sixty (60) feet;

b. Corner lots shall have a minimum width of sixty-five (65) feet;

c. Reverse corner lots shall have a minimum width of seventy (70) feet;

d. Lots siding major or secondary arterials, educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of eighty (80) feet.

2. Depth

a. Lots facing on a local street or access road shall have a minimum depth of one hundred (100) feet;

b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred ten (110) feet; and

c. Lots backing on educational institutions, recreation areas, churches, railroad rights-

August 29, 1972

of-way and canals or drainage ditches shall have a minimum depth of one hundred twenty-five (125) feet.

- C. Yards - The "Yard" provisions of the RD 5,000 Zone, Section 42.005, C., shall apply.
- D. Building Heights - The "Building Height" provisions of the RD 5,000 Zone, Section 42.005, D., shall apply.
- E. Distance between buildings - The "Distance between buildings" provisions of the RD 5,000 Zone, Section 42.005, E., shall apply.
- F. Fences, hedges and walls - The "Fences, hedges and walls" provisions of the RD 5,000 Zone, Section 42.005, F., shall apply.
- G. Signs - The "Signs" provisions of the RD 5,000 Zone, Section 42.005, G., shall apply.
- H. Access - The "Access" provisions of the RD 5,000 Zone, Section 42.005, H., shall apply.
- I. Off-street parking - The "Off-street parking" provisions of the RD 5,000 Zone, Section 42.005, I., shall apply.

August 29, 1972

ARTICLE 44 - RD 7,000 ZONE (RESIDENTIAL SINGLE FAMILY)

SECTION 44.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted to any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling are also permitted.

SECTION 44.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not detrimental to the public health, safety and welfare:

Those uses permitted in the RD 5,000 Zone contained in Section 42.002

SECTION 44.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Those uses permitted in the RD 5,000 Zone contained in Section 42.003

SECTION 44.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Those uses prohibited in the RD 5,000 Zone contained in Section 42.004

August 29, 1972

SECTION 44.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards.

- A. Lot area - Each lot shall have a minimum area of 7,000 square feet.
- B. Lot dimensions - All lots hereafter created shall comply with the minimum standards and lots now held under separate ownership or of record may not be reduced to below the following standards:
 1. Width
 - a. Interior lots shall have a minimum width of seventy (70) feet;
 - b. Corner lots shall have a minimum width of seventy-five (75) feet;
 - c. Reverse corner lots shall have a minimum width of eighty (80) feet; and
 - d. Lots siding major or secondary arterials, educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of ninety (90) feet.
 2. Depth
 - a. Lots facing on a local street or access road shall have a minimum depth of one hundred (100) feet;
 - b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred ten (110) feet; and

August 29, 1972

- c. Lots backing on educational institutions, recreation areas, churches, railroad rights-of-way and canals or drainage ditches shall have a minimum depth of one hundred twenty-five (125) feet.
- C. Yards - The "Yard" provisions of the RD 5,000 Zone, Section 42.005, C., shall apply except that the required front yard and rear yard shall not be less than twenty-five (25) feet in depth.
- D. Building Heights - The "Building Height" provisions of the RD 5,000 Zone, Section 42.005, D., shall apply.
- E. Distance between buildings - The "Distance between buildings" provisions of the RD 5,000 Zone, Section 42.005, E., shall apply.
- F. Fences, hedges and walls - The "Fences, hedges and walls" provisions of the RD 5,000 Zone, Section 42.005, F., shall apply.
- G. Signs - The "Signs" provisions of the RD 5,000 Zone, Section 42.005, G., shall apply.
- H. Access - The "Access" provisions of the RD 5,000 Zone Section 42.005, H., shall apply.
- I. Off-street parking - The "Off-street parking" provisions of the RD 5,000 Zone, Section 42.005, I., shall apply.

August 29, 1972

ARTICLE 45 - RD 8,000 ZONE (RESIDENTIAL SINGLE FAMILY)

SECTION 45.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted on any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling are also permitted.

SECTION 45.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Those uses permitted in the RD 5,000 Zone contained in Section 42.002

SECTION 45.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Those uses permitted in the RD 5,000 Zone contained in Section 42.003

SECTION 45.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

August 29, 1972

Those uses prohibited in the RD 5,000 Zone
contained in Section 42.004

SECTION 45.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Each lot shall have a minimum area of 8,000 square feet.
- B. Lot dimensions - All lots hereafter created shall comply with the minimum standards and lots now held under separate ownership or of record may not be reduced to below the following standards:
 1. Width
 - a. Interior lots shall have a minimum width of seventy (70) feet;
 - b. Corner lots shall have a minimum width of seventy-five (75) feet;
 - c. Reverse corner lots shall have a minimum width of eighty (80) feet; and
 - d. Lots siding major or secondary arterials, educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of ninety (90) feet.
 2. Depth
 - a. Lots facing on a local street or access road shall have a minimum depth of one hundred (100) feet;
 - b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred ten (110) feet; and

August 29, 1972

- c. Lots backing on educational institutions, recreation areas, churches, railroad rights-of-way and canals or drainage ditches shall have a minimum depth of one hundred twenty-five (125) feet.
- C. Yards - The "Yard" provisions of the RD 5,000 Zone, Section 42.005, C., shall apply except that the required front yard and rear yard shall not be less than twenty-five (25) feet in depth.
- D. Building heights - The Building Height provisions of the RD 5,000 Zone, Section 42.005, D., shall apply.
- E. Distance between buildings - The distance between buildings provisions of the RD 5,000 Zone, Section 42.005, E., shall apply.
- F. Fences, hedges and walls - The "Fences, hedges and walls" provisions of the RD 5,000 Zone, Section 42.005, F., shall apply.
- G. Signs - The "Signs" provisions of the RD 5,000 Zone, Section 42.005. G., shall apply.
- H. Access - The "Access" provisions of the RD 5,000 Zone, Section 42.005, H., shall apply.
- I. Off-street parking - The "Off-street parking" provisions of the RD 5,000 Zone, Section 42.005, I., shall apply.

August 29, 1972

ARTICLE 46 - RD 10,000 ZONE (RESIDENTIAL SINGLE FAMILY)

SECTION 46.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted on any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling are also permitted.

SECTION 46.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare.

Those uses permitted in the RD 5,000 Zone contained in Section 42.002

SECTION 46.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Churches

Day Nurseries, nursery schools, boarding of children provided that such shall be in accordance with applicable state and local laws

Educational institutions

Flood control facilities and irrigation projects

Golf courses

Home occupation

Keeping of horses, sheep, goats, cattle and similar animals within a pen or corral subject to the following conditions: (1) The lot area is not less than 20,000 square feet; (2) There shall be not more than two (2) such animals on any one lot.

Keeping of poultry, fowl, rabbits, chinchilla, and the like subject to the following conditions: (1) The lot area is not less than 20,000 square feet; (2) There shall be not more than 10 kept per lot.

Mobile home dwelling

August 29, 1972

Parks, playgrounds or community centers
Public utility facilities
Raising of crops, including field, bush, berry and
the like, so long as such are grown for consump-
tion by occupants of property
Sewage treatment plants
Temporary carnivals and bazaars in conjunction with
churches, educational institutions or service
clubs

SECTION 46.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Those uses prohibited in the RD 5,000 Zone contained
in Section 42.004

SECTION 46.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to
all land and buildings except that any lot held under separate
ownership or of record on the effective date of this Ordinance
which is substandard in area or dimensions, may be used subject
to all other standards:

- A. Lot area - Each lot shall have a minimum area
of 10,000 square feet.
- B. Lot dimensions - All lots hereafter created
shall comply with the minimum standards and
lots now held under separate ownership or of
record may not be reduced to below the following
standards:
 1. Width
 - a. Interior lots shall have a minimum
width of eighty (80) feet;
 - b. Corner lots shall have a minimum width
of eighty-five (85) feet;
 - c. Reverse corner lots shall have a mini-
mum width of ninety (90) feet; and

August 29, 1972

- d. Lots siding major or secondary arterials, educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of one hundred (100) feet.

2. Depth

- a. Lots facing on a local street or access road shall have a minimum depth of one hundred ten (110) feet;
 - b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred twenty-five (125) feet; and
 - c. Lots backing on educational institutions, recreation areas, churches, railroad rights-of-way and canals or drainage ditches shall have a minimum depth of one hundred twenty-five (125) feet.
- C. Yards - The "Yard" provisions of the RD 5,000 Zone, Section 42.005, C., shall apply except that the required front yard and rear yard shall be not less than twenty-five (25) feet and in the case of a corner lot the required side yard shall be not less than fifteen (15) feet.
- D. Building Heights - The "Building Height" provisions of the RD 5,000 Zone, Section 42.005, D., shall apply.
- E. Distance between buildings - The minimum distance between accessory and main buildings shall be not less than six (6) feet. The minimum distance between accessory buildings shall be not less than six (6) feet unless said buildings have a common or party wall.

No stable, barn, pen or corral shall be located within fifty (50) feet of any dwelling or other building used for human habitation and shall not be closer than ten (10) feet to a property line abutting a street or highway.

August 29, 1972

F. Fences, hedges and walls - The "Fences, hedges and walls" provisions of the RD 5,000 Zone, Section 42.005, F., shall apply.

G. Signs - The "Signs" provisions of the RD 5,000 Zone, Section 42.005, G., shall apply.

H. Access - The "Access" provisions of the RD 5,000 Zone, Section 42.005, H., shall apply.

I. Off-street parking - The "Off-street parking" provisions of the RD 5,000 Zone, Section 42.005, I., shall apply.

August 29, 1972

ARTICLE 47 - RD 20,000 ZONE (RESIDENTIAL SINGLE FAMILY ZONE)

SECTION 47.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted on any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling are also permitted.

SECTION 47.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare;

Those uses permitted in the RD 5,000 Zone contained in Section 42.002

SECTION 47.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Those uses permitted in the RD 10,000 Zone contained in Section 46.003

SECTION 47.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Those uses prohibited in the RD 5,000 Zone contained in Section 42.004

SECTION 47.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance, which is substandard in area or dimensions, may be used subject to all other standards;

August 29, 1972

- A. Lot area - Each lot shall have a minimum of 20,000 square feet.
- B. Lot dimensions - All lots hereafter created shall comply with the minimum standards and lots now held under separate ownership or of record may not be reduced to below the following standards:
1. Width
 - a. Interior lots shall have a minimum width of one hundred (100) feet;
 - b. Corner lots shall have a minimum width of one hundred ten (110) feet;
 - c. Reverse corner lots shall have a minimum width of one hundred fifteen (115) feet; and
 - d. Lots siding major or secondary arterials, educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of one hundred (100) feet.
 2. Depth
 - a. Lots facing on a local street or access road shall have a minimum depth of one hundred twenty (120) feet;
 - b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred twenty-five (125) feet; and
 - c. Lots backing on educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum depth of one hundred twenty-five (125) feet.
- C. Yards - The "Yard" provisions of the RD 5,000 Zone, Section 42.005, C., shall apply except that the required front yard and rear yard shall be not less than twenty-five (25) feet and in the case of a corner lot the required side yard shall be not less than fifteen (15) feet.

August 29, 1972

- D. Building heights - The "Building heights" provisions of the RD 5,000 Zone, Section 42.005, D., shall apply.
- E. Distance between buildings - The "Distance between buildings" provisions of the RD 5,000 Zone, Section 42.005, E., shall apply.
- F. Fences, hedges and walls - The "Fences, hedges and walls" provisions of the RD 5,000 Zone, Section 42.005, F., shall apply.
- G. Signs - The "Signs" provisions of the RD 5,000 Zone, Section 42.005, G., shall apply.
- H. Access - The "Access" provisions of the RD 5,000 Zone, Section 42.005, H., shall apply.
- I. Off-street parking - The "Off-street parking" provisions of the RD 5,000 Zone, Section 42.005, I., shall apply.

August 29, 1972

ARTICLE 48 - RD 40,000 ZONE (RESIDENTIAL SINGLE FAMILY ZONE)

SECTION 48.001 - INTENT

This zone is intended to provide for single family dwellings, not more than one permitted on any lot to insure an environment conducive to single family residential living. Additional uses necessary and incidental to a single family residential dwelling are also permitted.

SECTION 48.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Those uses permitted in the RD 5,000 Zone contained in Section 42.002

SECTION 48.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Those uses permitted in the RD 10,000 Zone contained in Section 46.003

SECTION 48.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Those uses prohibited in the RD 5,000 Zone contained in Section 42.004

SECTION 48.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance

August 29, 1972

which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Each lot shall have a minimum area of 40,000 square feet.
- B. Lot dimensions - All lots hereafter created shall comply with the minimum standards and lots now held under separate ownership or of record and may not be reduced to below the following standards:

1. Width

- a. Interior lots shall have a minimum width of one hundred ten (110) feet;
- b. Corner lots shall have a minimum width of one hundred twenty (120) feet;
- c. Reverse corner lots shall have a minimum width of one hundred twenty-five (125) feet; and
- d. Lots siding major or secondary arterials, educational institutions, recreation areas, churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of one hundred ten (110) feet.

2. Depth

- a. Lots facing on a local street or access road shall have a minimum depth of one hundred twenty-five (125) feet;
- b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred thirty (130) feet; and
- c. Lots backing on educational institutions, recreation areas, churches, railroad rights-of-way and canals or drainage ditches shall have a minimum depth of one hundred thirty (130) feet.

August 29, 1972

- C. Yards - The "Yards" provisions of the RD 10,000 Zone, Section 46.005, C., shall apply.
- D. Building height - The "Building height" provisions of the RD 5,000 Zone, Section 42.005, D., shall apply.
- E. Distance between buildings - The "Distance between buildings" provisions of the RD 10,000 Zone, Section 46.005, E., shall apply.
- F. Fences, hedges and walls - The "Fences, hedges and walls" provisions of the RD 5,000 Zone, Section 42.005, F., shall apply.
- G. Signs - The "Signs" provisions of the RD 5,000 Zone, Section 42.005, G., shall apply.
- H. Access - The "Access" provision of the RD 5,000 Zone, Section 42.005, H., shall apply.
- I. Off-street parking - The "Off-street parking" provisions of the RD 5,000 Zone, Section 42.005, I., shall apply.

August 29, 1972

CHAPTER 5

ARTICLE 50 - MULTIPLE FAMILY RESIDENTIAL ZONES

SECTION 50.001 - DESIGNATION OF MULTIPLE FAMILY RESIDENTIAL ZONES

As used in this Ordinance, multiple family residential zones include the following:

RD 3,000	Multiple Family Residential Zone
RD 1,500	Multiple Family Residential Zone
RD 500	Multiple Family Residential Zone
MHP	Mobile Home Park Zone

SECTION 50.002 - PURPOSE

The multiple family residential zones are intended to provide for low, medium and high density multiple family residential development in urban areas where low to high population concentrations are desirable. The zones include those uses that are determined appropriate to the multiple family environ and serve the convenient needs thereof.

August 29, 1972

ARTICLE 51 - RD 3,000 ZONE (RESIDENTIAL MULTIPLE FAMILY ZONE)

SECTION 51.001 - INTENT

This zone is intended to provide for low density multiple family living allowing one dwelling unit for each 3,000 square feet of lot area in urban areas where low concentrations of population is desirable and the related needs are available. Additional uses necessary and incidental to multiple family residential dwelling units are also permitted.

SECTION 51.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Multiple dwellings, including apartment houses, rooming and boarding houses and similar multiple residential facilities
however, commercial housing facilities reserved for transients

Parks, playgrounds or community centers owned and operated by a governmental agency

Single family dwellings

SECTION 51.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Churches
Day nurseries, nursery schools, boarding of children provided that such shall be in accordance with applicable state and local laws

Educational institutions

Golf courses

Home for the aged

Libraries

Mobile home dwelling

Nursing homes

August 29, 1972

Public utility facilities
Recreational facilities such as community recreation rooms, and community outdoor game areas, so long as such are restricted to occupants of permitted multiple family dwellings
Temporary carnivals and bazaars in conjunction with churches, educational institutions or service clubs

SECTION 51.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, commercial and industrial, unless otherwise provided for herein.

SECTION 51.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Each lot shall have a minimum area of 9,000 square feet.
- B. Lot dimensions - All lots hereafter created shall comply with the minimum standards and lots now held under separate ownership or of record may not be reduced to below the following standards:
 1. Width
 - a. Interior lots shall have a minimum width of eighty-five (85) feet;
 - b. Corner lots shall have a minimum width of one hundred (100) feet;
 - c. Reverse corner lots shall have a minimum width of one hundred five (105) feet; and
 - d. Lots siding major or secondary arterials, educational institutions, recreation areas,

August 29, 1972

churches, railroad rights-of-way and canals or irrigation ditches shall have a minimum width of one hundred twenty-five (125) feet.

2. Depth

- a. Lots facing on a local street or access road shall have a minimum depth of one hundred (100) feet;
- b. Lots facing or backing on major or secondary arterials shall have a minimum depth of one hundred twenty-five (125) feet; and
- c. Lots backing on educational institutions, recreation areas, churches, railroad rights-of-way and canals or drainage ditches shall have a minimum depth of one hundred twenty-five (125) feet.

C. Yards

1. Front yard - Each lot shall have a front yard of not less than twenty-five (25) feet extending the full width of the lot except for permitted architectural projections.

Where lots comprising of fifty (50) percent or more of the block frontage are developed with a front yard of in excess or less than the depth required herein, the average of such existing front yards shall establish the front yard of the remaining lots in the block frontage; however, in no case shall such front yard be less than fifteen (15) feet and existing front yards of more than forty (40) shall be determined as forty (40) feet in depth.

2. Side yard - Each lot shall have a side yard of not less than ten (10) feet except as follows:

- a. Corner lots shall have a minimum side yard of not less than fifteen (15) feet. No accessory buildings shall be located in said required side yard abutting a street.

August 29, 1972

- b. Reverse corner lots shall have a minimum side yard abutting the street of not less than twenty-five (25) feet. No accessory buildings shall be located in said required side yard.
 - c. An accessory building used for garage purposes, whether attached or detached to the main dwelling unit having direct access from a side street shall be located not less than twenty-five (25) feet from a side property line abutting a street.
 - d. An accessory building used for garage purposes whether attached or detached to the main dwelling unit having direct access from a side alley shall be located not less than twenty-five (25) feet from the opposite side of said alley.
 - e. Buildings greater than one story in height shall have side yards increased two and one-half (2-1/2) feet for each story or fraction thereof above the first story.
3. Rear yard - Each lot shall have a rear yard of not less than twenty (20) feet except as follows:
- a. Accessory buildings as herein permitted may be located in the required rear yard; however, an accessory building used for garage purposes having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley.
 - b. An accessory building located in a required rear yard of a reverse corner lot shall be located not less than twenty (20) feet from the side property line abutting a street and not less than five (5) feet from the rear property line.

August 29, 1972

4. Permitted projections in required yards:

- a. Architectural features may be located in any required front, side or rear yard so long as they do not project more than four (4) feet into a required yard.
 - b. Open, unenclosed stairways or balconies, porches and stoops may extend or project into the required front yard not more than four (4) feet, the required side yard not more than two (2) feet and the required rear yard not more than four (4) feet.
- D. Building height - No buildings or structure shall have a height greater than thirty-five (35) feet except such height may be increased pursuant to the granting of a Conditional Use Permit as provided in Section 51.003.
- E. Distance between buildings - The minimum distance between accessory and main buildings shall be not less than six (6) feet.

The minimum distance between accessory buildings shall not be less than six (6) feet unless said buildings have a common or party wall.

The minimum distance between main buildings shall be not less than ten (10) feet.

- F. Fences, hedges and walls - Required: Swimming pools shall be entirely enclosed by building or by fences or by walls not less than six (6) feet in height. Any openings into the swimming pool area shall be equipped with a self-closing and self-latching device.

Permitted: Fences, hedges and retaining walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines on interior and corner lots and not closer than ten (10) feet to the side property line on a reverse corner lot.

No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic and the provisions relative to "Corner Cutback Area" Section 103.003 shall apply.

August 29, 1972

- G. Signs - A "for rent" or "for sale" sign may be permitted and an identification sign denoting the name of the permitted use so long as such signs do not exceed thirty-six (36) square feet.
- H. Access - Vehicular access shall be provided to all lots from a dedicated street or alley. Vehicular access to lots fronting on major or secondary arterials shall be via an alley or service road.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 52 - RD 1,500 ZONE (RESIDENTIAL MULTIPLE FAMILY ZONE)

SECTION 52.001 - INTENT

This zone is intended to provide for medium density multiple family living allowing one dwelling unit for each 1,500 square feet of lot area in urban areas where medium concentration of population is desirable and the related needs are available. Additional uses necessary and incidental to multiple family residential dwellings are also permitted.

SECTION 52.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare.

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
Multiple dwellings, including apartment houses, rooming and boarding houses and similar permanent multiple housing facilities excluding, however, commercial housing facilities reserved for transients
Single family dwellings

SECTION 52.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Apartment hotels
Churches
Day nurseries, nursery schools, and boarding of children
Educational institutions
Fraternity and sorority houses
Golf courses
Governmental buildings and facilities
Homes for the aged
Hospitals
Mobile home dwelling

August 29, 1972

Nursery schools
Nursing homes
Private clubs
Public utility facilities
Recreational facilities such as community recreation rooms and community outdoor game areas, so long as such are restricted to and conducted in conjunction with permitted multiple family development.
Temporary carnivals and bazaars in conjunction with churches, educational institutions or service clubs

SECTION 52.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, commercial and industrial, unless otherwise provided for herein

SECTION 52.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - The provisions of the RD 3,000 Zone, Section 51.005, A., shall apply.
- B. Lot dimensions - The provisions of the RD 3,000 Zone, Section 51.005, B., shall apply.
- C. Yards - The provisions of the RD 3,000 Zone, Section 51.005, C., shall apply.
- D. Building heights - The provisions of the RD 3,000 Zone, Section 51.005, D., shall apply.
- E. Distance between buildings - The provisions of the RD 3,000 Zone, Section 51.005, E., shall apply.

August 29, 1972

- F. Fences, hedges and walls - The provisions of the RD 3,000 Zone, Section 51.005, F., shall apply.
- G. Signs - The provisions of the RD 3,000 Zone, Section 51.005, G., shall apply.
- H. Access - The provisions of the RD 3,000 Zone, Section 51.005, H., shall apply.
- I. Off-street parking - The provisions of the RD 3,000 Zone, Section 51.005, I., shall apply.

August 29, 1972

ARTICLE 53 - RD 500 ZONE (RESIDENTIAL MULTIPLE FAMILY ZONE)

SECTION 53.001 - INTENT

This zone is intended to provide for high density multiple family living allowing one dwelling unit for each 500 square feet of lot area in urban areas where high concentration of population is desirable and the related needs are available. Additional uses necessary and incidental to multiple family residential dwellings are also permitted.

SECTION 53.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Those uses permitted in the RD 3,000 Zone contained in Section 51.002

SECTION 53.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Those uses permitted in the RD 1,500 Zone contained in Section 52.003

SECTION 53.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Those uses prohibited in the RD 3,000 Zone contained in Section 51.004

SECTION 53.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

August 29, 1972

- A. Lot area - The provisions of the RD 3,000 Zone, Section 51.005, A., shall apply.
- B. Lot dimensions - The provisions of the RD 3,000 Zone, Section 51.005, B., shall apply.
- C. Yards - The provisions of the RD 3,000 Zone, Section 51.005, C., shall apply.
- D. Building heights - The provisions of the RD 3,000 Zone, Section 51.005, D., shall apply.
- E. Distance between buildings - The provisions of the RD 3,000 Zone, Section 51.005, E., shall apply.
- F. Fences, hedges and walls - The provisions of the RD 3,000 Zone, Section 51.005, F., shall apply.
- G. Signs - The provisions of the RD 3,000 Zone, Section 51.005, G., shall apply.
- H. Access - The provisions of the RD 3,000 Zone, Section 51.005, H., shall apply.
- I. Off-street parking - The provisions of the RD 3,000 Zone, Section 51.005, I., shall apply.

August 29, 1972

ARTICLE 54 - MHP ZONE (MOBILE HOME PARK)

SECTION 54.001 - INTENT

This zone is intended to provide for the creation of mobile home parks on a planned integrated residential basis making them suitable for location in close proximity to other forms of residential land use. Additional uses necessary and incidental to the operation of a mobile home park are also permitted. Mobile home parks, being a form of residential living, should not be allowed as a permitted use in commercial or industrial zones.

SECTION 54.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

- Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
- Dwelling, one family, reserved for manager of mobile home park
- Mobile home parks
- Recreational facilities reserved for occupants of mobile home parks

SECTION 54.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

- Public utility facilities
- Sewage treatment plants
- Those retail establishments, restaurants and service centers, such as beauty and barber shops, etc., such services being primarily designed to serve the needs of the residential tenants.

August 29, 1972

SECTION 54.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, commercial and industrial, unless otherwise provided for herein

SECTION 54.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards. In addition, Chapter 446 of Oregon Revised Statutes and any and all amendments thereto which are now or may hereafter be enacted, together with applicable Oregon administrative regulations adopted pursuant thereto, are hereby included and made a part of these provisions:

- A. Lot area - Each mobile home park site shall have a minimum area of not less than two (2) acres with not more than twelve (12) mobile homes on each acre.
- B. Lot dimensions
 - 1. Width - Minimum park width shall be not less than one hundred fifty (150) feet.
 - 2. Depth - Minimum park depth shall be not less than one hundred fifty (150) feet.
- C. Yards
 - 1. Front yard - Each park shall have a front yard of not less than ten (10) feet if abutting a dedicated street. Said yard shall be landscaped and maintained.
 - 2. Side yard - There shall be a side yard of not less than five (5) feet on each side of the park not abutting a street. Said side yard may be used for access or parking; however, shall not be occupied by mobile homes.

August 29, 1972

Where a mobile home park sides on a street, there shall be a side yard abutting the street of not less than five (5) feet; however, if the mobile home park side is in the same block frontage with a residential or agricultural zone, the yard shall be the same as that required for said residential or agricultural zone.

Side yards abutting streets shall be landscaped and maintained.

An alley shall be deemed to define a block frontage.

- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet.
- E. Distance between mobile homes - Each mobile home space shall be large enough to accommodate the mobile home and maintain a minimum of fifteen (15) feet side-to-side and end-to-end between mobile homes, ten (10) feet between a mobile home and a building, five feet (5) between a mobile home and a property line, and ten (10) feet between a mobile home and awning, carport, cabana or ramada of an adjacent space. All spaces to be not less than forty (40) feet wide and sixty-five (65) feet in depth.
- F. Fences, hedges and walls - Required: Swimming pools shall be entirely enclosed by building or by fences or by walls not less than six (6) feet in height. Any openings into the swimming pool area shall be equipped with a self-closing and self-latching device.

Where the MHP Zone abuts any residential zone, a solid masonry wall, fence or hedge, not less than five (5) feet nor more than six (6) feet in height shall be erected on the zone boundary line.

Permitted: Fences, hedges and retaining walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines on interior and corner lots and not closer

August 29, 1972

than ten (10) feet to the side property line on a reverse corner lot.

No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic and the provisions relative to "Corner Cutback Area" Section 103.003 shall apply.

- G. Signs - Identification signs which advertise the park shall be permitted, provided they are located on the subject property. Said signs shall not exceed one hundred (100) square feet in area.

Directional signs related to the location of mobile homes and facilities on the premises, provided they are located on the subject property. Said signs shall not exceed ten (10) square feet in area.

"For rent," "for sale," "vacancy" and similar signs, provided they are posted on the subject lot or on a building thereon by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than one (1) such sign for any park.

Name plates, not exceeding one (1) square foot in area.

Signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways. Location, lighting and color of signs shall be such as to cause no confusion with public signs or traffic signals.

No blinking, flashing or animated signs visible from any street or highway shall be permitted.

Signs shall not be placed in any required yard area and shall not exceed the height provisions of this zone.

Lighting shall be so arranged as to reflect the light away from adjoining premises.

- H. Access - Primary vehicular access shall be provided to all mobile home parks from a dedicated street and secondary access may be provided from an alley. Vehicular access to lots fronting on major or secondary arterials shall be subject to the approval of the County Engineer.

There shall be an accessway of not less than thirty (30) feet in width from the street or alley to each trailer space, said way to be for both pedestrian and vehicular access with not less than twenty-five (25) feet reserved for vehicular access and not less than five (5) feet reserved for pedestrian walkways. Said five-foot pedestrian walkways may be provided by two and one-half (2-1/2)-foot walkways on either side of the vehicular way. No parking shall be permitted in the required accessway.

- I. Off-street parking shall be provided within the park for at least two automobiles for each mobile home. Said parking may include a vehicle parked in a garage or carport and one parked in the driveway of said garage or carport.

- J. Other conditions

Sewer connection - Each mobile home park shall be connected to a sanitary sewer when such facilities are deemed by the County Health Department to be available. Each mobile home shall have a connection to said sanitary sewer line.

Mobile homes that cannot be connected to a public sanitary sewer line shall be connected to a waste disposal system approved by the County Health Department which shall be maintained in accordance with applicable standards and specifications as a condition to the maintenance of the mobile homes.

August 29, 1972

C H A P T E R 6

ARTICLE 60 - COMMERCIAL ZONES

SECTION 60.001 - DESIGNATION OF COMMERCIAL ZONES

As used in this Ordinance, commercial zones shall include the following:

CP	Commercial Administrative Professional Zone
C-1	Commercial Neighborhood
C-2	Commercial Community
C-3	Commercial Regional
C-4	Commercial Central Business District
C-5	Commercial Highway
CA	Commercial Airport
CM	Commercial Manufacturing

SECTION 60.002 - INTENT

The commercial zones are intended to provide areas in which desirable types of businesses may be conducted, services provided, public facilities offered, and such other activities that are incidental and directly related thereto. The various commercial zones are established to fulfill the need for convenient shopping facilities, which range in size and composition from small neighborhood facilities to large regional shopping centers, central business districts, highway related services and activities and commercial and associated manufacturing pursuits. The property development standards are to insure compatibility of such commercial activities to the various surrounding land uses, and thereby alleviate the possibility of any detrimental effect thereto.

August 29, 1972

ARTICLE 61 - CP ZONE (COMMERCIAL ADMINISTRATIVE PROFESSIONAL)

SECTION 61.001 - INTENT

This zone is intended to provide for the development of commercial administrative professional facilities, as distinguished from retail activities, which with appropriate standards, may be located in close proximity to residential property.

SECTION 61.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Addressograph services

Administrative or professional offices

Bank and financial institutions

Bill-paying office

Coffee shop

Credit union office

Dental clinic

Insurance brokers, adjusters and agents

Laboratories, biological, medical, dental and x-ray

Law office

Libraries

Off-street parking facilities when operated in conjunction with the permitted use

Notary public

Optometrists

Pediatrician

Pharmacy

Podiatrist

Real estate broker

Restaurant

Tax consulting services

Ticket travel agency

August 29, 1972

SECTION 61.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Apartment hotels
Auditorium
Barber and beauty shop
Blueprinting and photocopying shop
Book and stationery store
Business college
Church
Cigar store
Clubs, private
Community social center
Condominium
Convalescent hospital
Emergency Medical clinic
Employment agency
Florist
Gift shop
Ice cream parlor
Lodges and meeting halls
Massage parlors
Medical equipment, sales, rental and repair
Medical training school
Microwave radio and/or television transmitting towers
Mimeographing and duplicating
Parking lot, public and private
Temporary carnivals and bazaars in conjunction with churches, educational institutions or service clubs

SECTION 61.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and industrial, unless otherwise provided for herein

August 29, 1972

SECTION 61.005 - PROPERTY DEVELOPMENT STANDARDS

The following development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards.

- A. Lot area - No provisions
- B. Lot dimensions - No provisions
- C. Yards
 - 1. When the CP Zone fronts, sides or rears on a street there shall be a yard abutting the street of not less than ten (10) feet. Said required yards shall be landscaped and maintained.
 - 2. When the CP Zone abuts a residential zone there shall be a yard of not less than twenty-five (25) feet. Said required yard may be used for parking, loading, access or storage of materials, so long as such stored items do not exceed the height of a required wall. A solid masonry wall not less than five (5) feet nor more than six (6) feet in height shall be erected on the zone boundary line.
- D. Building heights - No building or structure shall have a height greater than fifty (50) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - The minimum distance between accessory and main buildings shall be not less than six (6) feet where the latter is used for residential purposes.
- F. Fences, hedges and walls - Required: Fences, hedges and walls shall be placed as required in Section 61.005, C (2).

August 29, 1972

1. When abutting a residential or agricultural zone, fences, hedges and walls shall be reduced to not more than three (3) feet in height along the lot line for the depth of the required yard of the adjoining residential or agricultural zoned property.
 2. Swimming pools shall be entirely enclosed by building, fences, hedges or walls not less than six (6) feet in height. Any openings into the swimming pool area shall be equipped with a self-closing and self-latching device.
 3. Permitted: Fences, hedges and/or retaining walls not greater than six (6) feet in height shall be permitted on or within all property lines not abutting a street and on or to the rear of all yard setback lines of yards abutting a street. Fences, hedges and walls shall be reduced to not more than three (3) feet in height in all required yards abutting a street.
- G. Signs - Identification signs indicating the name and nature of the occupancy and/or the name and address of the building shall be permitted, provided they are located on the subject property. Said signs shall not exceed ten (10) square feet in area.

Directional signs related to the location of facilities on the premises, provided they are located on the subject property; said signs shall not exceed ten (10) square feet in area.

"For rent", "for sale", "vacancy" and similar signs, provided they are posted on the subject lot or on a building thereon by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than one (1) such sign for any unit.

Signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways.

Location, lighting, and color of signs shall be such as to cause no confusion with public signs or traffic signals.

No blinking, flashing or animated signs visible from any street or highway shall be permitted.

Signs shall not exceed the height provisions of this zone and shall be so arranged to reflect the light away from adjoining premises.

- H. Access - Vehicular access shall be provided from a dedicated street or alley.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 62 - C-1 ZONE (COMMERCIAL NEIGHBORHOOD)

SECTION 62.001 - INTENT

This zone is intended to provide for the establishment of a highly restricted commercial facility, to serve the conveniences and needs of the immediate neighborhood and must be architecturally compatible to the residential character and environment of the neighborhood.

SECTION 62.002 - PRINCIPAL USES

Buildings, structures, and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

- Bakery sales
- Barber and beauty shop
- Coffee shop
- Delicatessen
- Drug store or pharmacy
- Florist
- Food stores, including poultry, meat, dairy products, eggs, ice cream, fruits, canned goods, health foods, beer and wine, confectionery and the like, providing all products are sold on the premises and provided there shall be no slaughtering or plucking of meat products on the premises
- Off-street parking facilities when operated in conjunction with the permitted use
- Public utility customer service office

SECTION 62.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

None

August 29, 1972

SECTION 62.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and industrial, unless otherwise provided for herein

SECTION 62.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards.

- A. Lot area may be determined in conformance with the Comprehensive Land Use Plan, and if not specified therein, shall be determined by the Planning Commission after careful study of the needs of the local area.
- B. Lot dimensions
 - 1. Width - Minimum lot width shall be not less than one hundred (100) feet.
 - 2. Depth - Minimum lot depth shall be not less than one hundred fifty (150) feet.
- C. Yards
 - 1. When the C-1 Zone fronts, sides or rears on a street there shall be a yard abutting the street of not less than twenty (20) feet. Said required yards shall be landscaped and maintained.
 - 2. When the C-1 Zone abuts a residential or agricultural zone there shall be a yard of not less than twenty-five (25) feet, except when such residential or agricultural land is used as a park, the yard may be reduced to ten (10) feet. Said required yard may be used for parking, loading, access or storage of materials, so long as such stored items do

August 29, 1972

not exceed the height of a required wall.
A solid masonry wall not less than five (5)
feet nor more than six (6) feet in height
shall be erected on the zone boundary line.

- D. Building heights - No building or structure shall have a height greater than twenty (20) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - No provisions.
- F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 62.005, C., (2), and as required or permitted in the CP Zone, Section 61.005, F.
- G. Signs - Identification signs indicating the name and nature of any occupancy and/or the name and address of the building shall be permitted, provided they are located on the subject property. Said signs shall not exceed eighty (80) square feet in area.

The provisions of Section 61.005, G., shall apply in the case of other signs.
- H. Access - The provisions of the CP Zone, Section 61.005, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 63 - C-2 ZONE (COMMERCIAL COMMUNITY ZONE)

SECTION 63.001 - INTENT

This zone is intended to provide for the establishment of commercial facilities to serve the needs of community neighborhoods containing markets, service shops and variety, hardware, drug stores and the like.

SECTION 63.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Any use permitted within the C-1 Zone as contained in Section 62.002

- Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
- Addressograph services
- Administrative or professional offices
- Antique home furnishings
- Appliance sales and service
- Art shop
- Bakery
- Bank and financial institutions
- Bicycle sales and service
- Bill-paying office
- Book and stationery store
- Cafe
- Carpet and rug sales and repair
- Cigar store
- Cleaners
- Clothing and wearing apparel
- Confectionery shop
- Cosmetic shop
- Craft shop
- Credit union office
- Dairy products, sales
- Day nursery
- Electrical appliance sales, rental, service
- Employment agency, private

August 29, 1972

Fix-it shop
Food store
Frozen food locker
Fruit store
Furniture cleaning
Furniture sales
Furriers
Garden supply and tools
Gift shop
Haberdashery
Hardware
Health food store
Hobby shop and supply
Ice cream parlor
Jewelry sales and repair
Laundry or dry cleaning
Libraries
Linoleum stores
Liquor, off-sale
Locksmith
Luggage shop
Mail-order house
Maternity shop
Meat market
Medical equipment, sales, rental and repair
Millinery shop
Mimeographing and duplicating
Music instructions
Music shop
Newsstand
Notary public
Office furniture, machine sales, rental and repair
Office supply store
Optometrists
Orthopedic equipment, sales, rental and service
Pawnshop
Pet shop and food store
Pharmacy
Phonographic supplies
Photocopying
Photographer's studio
Photography supplies
Piano sales, rental and service
Picture framing
Paint and wallpaper sales

August 29, 1972

Plant nursery
Playground equipment, sales, rental and service
Post office
Reading room
Real estate broker
Redemption center
Reducing salon
Restaurant
Sewing machine sales, rental and service
Shoe sales and repair
Soda fountain
Sporting goods and equipment sales, rentals
Stationery store
Stenographers, public
Tailor
Tax consulting services
Telegraph office
Thrift shop
Ticket travel agency
Toiletries
Toy store
Vacuum cleaner sales, rentals
Variety store
Western store
Yardage shops
Yarn shop
Upholstery shop

SECTION 63.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE
PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114:001:

Any uses permitted within the C-1 Zone
Administrative or professional offices
Auto service station
Billiard parlor
Bowling alley
Business colleges
Cocktail lounges
Dancing academy
Dancing, public
Fire station
Liquor, on-sale
Massage parlors
Mechanical auto wash
Temporary carnivals and bazaars

August 29, 1972

SECTION 63.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residences not in conjunction with a permitted use, and industrial, unless otherwise provided for herein

SECTION 63.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area may be determined in conformance with the Comprehensive Land Use Plan, and if not specified therein, shall be determined by the Planning Commission after careful study of the needs of the local area.
- B. Lot dimensions
 1. Width - No provisions
 2. Depth - No provisions
- C. Yards
 1. Where the C-2 Zone fronts, sides or rears on a major or secondary arterial, which is the boundary between the C-2 Zone and any manufacturing or other commercial zone, there shall be a yard abutting the highway of not less than ten (10) feet. Said required yard may be landscaped or used for parking; however, shall not be used for loading or storage.
 2. Where the C-2 Zone fronts, sides or rears on a local street which is the boundary between the C-2 Zone and any manufacturing or other commercial zone, there shall be a yard abutting the street of not less than ten (10) feet. Said

August 29, 1972

required yard may be landscaped or used for parking; however, shall not be used for loading or storage.

3. Where the C-2 Zone fronts, sides or rears on a major or secondary arterial, which is the boundary between the C-2 Zone and any residential or agricultural zone, there shall be a yard abutting the highway of not less than twenty-five (25) feet. Said required yard may be landscaped or used for parking; however, shall not be used for loading or storage.
4. Where the C-2 Zone fronts, sides or rears on a local street which is the boundary between the C-2 Zone and any residential or agricultural zone there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.
5. Where the C-2 Zone sides or rears on an alley which is the boundary between the C-2 Zone and any residential or agricultural zone, there shall be a yard abutting the alley of not less than seventy (70) feet measured from the side of the alley opposite the C-2 property.

The required yard may be used for parking or storage provided the items are not stacked higher than the required yard. Single objects, each having a height greater than six (6) feet, shall not be stored in said required yard.

A solid masonry wall not less than five (5) nor more than six (6) feet in height shall be erected on the property line abutting the alley except where the alley is used for access for servicing.

6. Where the C-2 Zone sides or rears on a railroad right-of-way which is the boundary between the C-2 Zone and any residential or agricultural zone, there shall be a yard of not less than

August 29, 1972

fifty (50) feet, measured from the opposite side of the railroad right-of-way, except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line which is a common line between the railroad right-of-way and the C-2 Zone property.

Said required yard may be used for parking, loading or storage provided items are not stacked higher than six (6) feet. Single objects, each having a height greater than six (6) feet, shall not be stored on said required yard. A railroad loading dock shall be the only structure permitted in the required yard abutting the railroad right-of-way.

7. Where the C-2 Zone sides or rears on an irrigation ditch or drainage channel right-of-way which is the boundary between the C-2 Zone and any residential or agricultural zone, there shall be a yard of not less than seventy (70) feet measured from the opposite side of the ditch or channel right-of-way, except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line which is a common line between the ditch or channel right-of-way and the C-2 Zone property.

Said required yard may be used for parking, loading, or storage providing items are not stacked higher than six (6) feet. Single objects, each having a height greater than six (6) feet, shall not be stored on said required yard.

8. Where the C-2 Zone sides or rears directly on a residential or agricultural zone with no street, highway, alley, irrigation ditch, drainage channel right-of-way, or railroad right-of-way, there shall be a yard of not less than seventy (70) feet. Said required yard may be used for parking or storage provided items are not stored higher than the required wall. Single objects, each

August 29, 1972

having a height greater than six (6) feet, shall not be stored on said required yard.

A solid masonry wall not less than five (5), nor more than six (6) feet in height, shall be erected on the zone boundary line.

9. Where the C-2 Zone fronts directly on a street which is the boundary with the public park, there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.

When the C-2 Zone sides or rears on a public park or sides or rears on a major or secondary arterial, local street, alley, railroad right-of-way, or irrigation ditch, drainage channel right-of-way which is the boundary with the public park, no yard shall be required.

A solid masonry wall not less than five (5), nor more than six (6) feet in height, shall be erected on the side or rear property line when the C-2 Zone sides or rears directly on a public park.

- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet unless otherwise permitted by a conditional use permit.

- E. Distance between buildings - No provisions.

- F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 63.005, C., (5), (8), and (9).

1. When abutting a residential or agricultural zone, fences, hedges and walls shall be reduced to not more than three (3) feet in height along the lot line for the depth of the required yard of the adjoining residential or agricultural zoned property.

August 29, 1972

2. Swimming pools shall be entirely enclosed by building, fences, hedges or walls not less than six (6) feet in height. Any openings into the swimming pool area shall be equipped with a self-closing and self-latching device.
3. Permitted: Fences, hedges and/or retaining walls not greater than six (6) feet in height shall be permitted on or within all property lines not abutting a street and on or to the rear of all yard setback lines of yards abutting a street. Fences, hedges and walls shall be reduced to not more than three (3) feet in height in all required yards abutting a street.

- G. Signs - Identification signs indicating the name and nature of any occupancy and/or the name and address of the building shall be permitted, provided they are located on the subject property. Said signs shall not exceed three hundred (300) square feet in area.

Directional signs, related to the location of facilities on the premises, provided they are located on the subject property. Said signs shall not exceed twenty (20) square feet in area.

Name plates, not exceeding three (3) square feet in area.

The provisions of Section 61.005, G., shall apply in the case of other signs.

- H. Access - The provisions of the CP Zone, Section 61.005, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 64 - C-3 ZONE (COMMERCIAL REGIONAL)

SECTION 64.001 - INTENT

This zone is intended to provide for the establishment of commercial facilities to serve the needs of large regional areas offering a variety of general merchandise and all personal services.

SECTION 64.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Any use permitted within the C-2 Zone as contained in Section 63.002

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Administrative or professional offices

Advertising agencies

Art gallery

Auto parts sales, new

Auto rental

Auto service station

Awning sales

Department store

Discount house

Insurance brokers, adjusters and agents

Interior decorating shop

Law office

Stock exchange and brokers

Tire sales, new

SECTION 64.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

August 29, 1972

Any uses permitted within the C-2 Zone as contained
in Section 63.003

Auto repair garage

Bath, turkish, etc.

Billiard parlor

Clubs and lodges

Drive-in food dispenser

Drive-in restaurant

Model home

Nursery, plant

Microwave radio and/or television stations and
transmitting towers, commercial

Mortuary

Museum

Outdoor advertising

Public utility substation and/or transfer station

Taxidermist

Temporary carnivals and bazaars in conjunction with
churches, educational institutions or service
clubs

Theater, theatrical and motion picture

SECTION 64.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and industrial, unless
otherwise provided for herein

SECTION 64.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to
all land and buildings except that any lot held under separate
ownership or of record on the effective date of this Ordinance
which is substandard in area or dimensions, may be used subject
to all other standards:

- A. Lot area may be determined in conformance with the
Comprehensive Land Use Plan, and if not specified
therein, shall be determined by the Planning
Commission after careful study of the needs of
the local area.

August 29, 1972

B. Lot dimensions

1. Width - No provisions
2. Depth - No provisions

C. Yards

1. Where the C-3 Zone fronts, sides or rears on a major or secondary arterial, which is the boundary between the C-3 Zone and any manufacturing or other commercial zone, there shall be a yard abutting the highway of not less than ten (10) feet. Said required yard may be landscaped or used for parking; however, shall not be used for loading or storage.
2. Where the C-3 Zone fronts, sides or rears on a local street which is the boundary between the C-3 Zone and any manufacturing or other commercial zone, there shall be a yard abutting the street of not less than ten (10) feet. Said required yard may be landscaped or used for parking; however, shall not be used for loading or storage.
3. Where the C-3 Zone fronts, sides or rears on a major or secondary arterial, which is the boundary between the C-3 Zone and any residential or agricultural zone there shall be a yard abutting the highway of not less than fifty (50) feet. Said required yard may be landscaped or used for parking; however, shall not be used for loading or storage.
4. Where the C-3 Zone fronts, sides or rears on a local street, which is the boundary between the C-3 Zone and any residential or agricultural zone, there shall be a yard abutting the street of not less than one hundred (100) feet. The front twenty-five (25) feet adjacent to said street shall be landscaped and maintained. The remainder of said required yard may be used for parking; however, shall not be used for loading or storage.

August 29, 1972

5. Where the C-3 Zone sides or rears on an alley which is the boundary between the C-3 Zone and any residential or agricultural zone, there shall be a yard abutting the alley of not less than one hundred (100) feet measured from the side of the alley opposite the C-3 property.

The required yard may be used for parking or storage provided the items are not stacked higher than the required wall. Single objects each having a height greater than six (6) feet shall not be stored in said required yard.

A solid masonry wall not less than five (5) feet, nor more than six (6) feet in height shall be erected on the property line abutting the alley except where the alley is used for access for servicing.

6. Where the C-3 Zone sides or rears on a railroad right-of-way which is the boundary between the C-3 Zone and any residential or agricultural zone, there shall be a yard of not less than fifty (50) feet, measured from the opposite side of the railroad right-of-way, except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line which is a common line between the railroad right-of-way and the C-3 Zone property.

Said required yard may be used for parking, loading or storage provided items are not stacked higher than six (6) feet. Single objects, each having a height greater than six (6) feet, shall not be stored on said required yard. A railroad loading dock shall be the only structure permitted in the required yard abutting the railroad right-of-way.

7. Where the C-3 Zone sides or rears on an irrigation ditch or drainage channel right-of-way which is the boundary between the C-3 Zone and any residential or agricultural zone, there shall be a yard of not less than one hundred

August 29, 1972

(100) feet measured from the opposite side of the ditch or channel right-of-way, except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line which is a common line between the ditch or channel right-of-way and the C-2 Zone property.

Said required yard may be used for parking, loading or storage providing items are not stacked higher than six (6) feet. Single objects, each having a height greater than six (6) feet, shall not be stored on said required yard.

8. Where the C-3 Zone sides or rears directly on a residential or agricultural zone with no street, highway, alley, irrigation ditch, drainage channel right-of-way, there shall be a yard of not less than one hundred (100) feet. Said required yard may be used for parking or storage provided items are not stored higher than the required wall. Single objects, each having a height greater than six (6) feet, shall not be stored on said required yard.

A solid masonry wall not less than five (5) nor more than six (6) feet in height shall be erected on the zone boundary line.

9. Where the C-3 Zone fronts directly on a street which is the boundary with the public park, there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.

When the C-3 Zone sides or rears on a public park or sides or rears on a major or secondary arterial, local street, alley, railroad right-of-way, or irrigation ditch, drainage channel right-of-way, which is the boundary with the public park, no yard shall be required.

A solid masonry wall not less than five (5) nor more than six (6) feet in height shall be erected on the side or rear property line when the C-3 Zone sides or rears directly on a public park.

- D. Building height - No building or structure shall have a height greater than fifty (50) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - No provisions.
- F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 64.005, C., (5), (8) and (9).

The provisions of the C-2 Zone, Section 63.005, F., (1), (2) and (3) shall also apply.
- G. Signs - The provisions of the C-2 Zone, Section 63.005, G., shall apply.
- H. Access - The provisions of the CP Zone, Section 61.005, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 65 - C-4 ZONE (COMMERCIAL CENTRAL BUSINESS DISTRICT)

SECTION 65.001 - INTENT

This zone is intended to provide for the intense commercial activities of the central business district or central trading area of a city.

SECTION 65.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

- Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
- Addressograph services
- Administrative or professional offices
- Advertising agencies
- Antique home furnishings
- Appliance sales and service
- Art gallery
- Art shop
- Artist studio
- Auto parts sales, new
- Auto rental
- Auto repair garage
- Awning sales
- Bank and financial institutions
- Barber and beauty college
- Barber and beauty shop
- Bath, turkish, etc.
- Bicycle sales and service
- Bill-paying office
- Blueprinting and copying shop
- Book and stationery store
- Cafe
- Carpet and rug sales and repair
- Cigar store
- Cleaners

August 29, 1972

Clothing and wearing apparel
Clubs and lodges
Clubs, private
Cocktail lounge
Coffee shop
Community social center
Confectionery shop
Cosmetic shop
Craft shop
Credit union office
Dairy products, sales
Delicatessen
Dental clinic
Department store
Discount house
Dispensary
Electrical appliance, sales, rental, service
Employment agency, private
Fire station
Fix-it shop
Florist
Food stores
Furniture sales
Furriers
Garden supply and tools
Gift shop
Gunsmith
Haberdashery
Hardware
Health food store
Hobby shop and supply
Hotels
Ice cream parlor
Import and export sales
Insurance brokers, adjusters and agents
Interior decorating shop
Jewelry sales and repair
Labor halls
Laboratories, biological, medical, dental, x-ray
Laundry or dry cleaning
Law office
Libraries
Linoleum stores
Liquor, off-sale
Liquor, on-sale
Locksmith

August 29, 1972

Lodges and meeting halls
Luggage shop
Mail order house
Massage parlors
Maternity shop
Medical, dental, therapeutic clinic
Medical equipment, sales, rental and repair
Medical training school
Millinery shop
Mimeographing and duplicating
Modeling school
Museum
Music instruction
Music shop
Newsstand
Notary public
Office furniture, machine sale, rental and repair
Office supply store
Off-street parking facilities
Optometrists
Orthodontic laboratory
Orthopedic equipment, sales, rental and service
Paint and wallpaper, sales
Parking lot, public and private
Pawnshop
Pet shop and food store
Pharmacy
Phonographic supplies
Photocopying
Photographer's studio
Photography supplies
Piano sales, rental and service
Picture framing
Playground equipment sales, rental and service
Podiatrist
Police station
Post office
Public utility customer service office
Radio stations
Reading rooms
Real estate broker
Redemption center
Reducing salon
Restaurant
Sewing machine sales, rental and service

August 29, 1972

Shoe sales and repair
Soda fountain
Sporting goods and equipment sales, rentals
Stationery store
Stenographers, public
Stock exchange and brokers
Store fixture store
Tailor
Tax consulting services
Taxi
Taxidermist
Telegraph office
Theater, theatrical and motion picture
Thrift store
Ticket store
Ticket travel agency
Toiletries
Toy store
Vacuum cleaner sales, rentals and service
Variety store
Western store
Yardage shops
Yarn shop

SECTION 65.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE
PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Apartment hotels
Auditoriums
Auto repair garage
Billiard parlor
Bus storage and terminal
Business colleges
Condominium
Dancing academy
Dance hall
Dancing, public
Furniture storage
Garage, public
Gunsmith

August 29, 1972

Microwave stations
Mortuary
Outdoor advertising
Printing and publishing
Private clubs
Public parks
Public utility substation and/or transfer station
Schools, business
Schools, vocational
Sports arena
Teen center
Temporary carnivals and bazaars

SECTION 65.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and industrial, unless otherwise provided for herein

SECTION 65.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards
 - 1. Where the C-4 Zone sides or rears directly on a residential or agricultural zone, there shall be a yard of not less than seventy (70) feet. Said required yard may be used for

August 29, 1972

parking or storage provided items are not stored higher than the required wall. Single objects, each having a height greater than six (6) feet, shall not be stored in said required yard.

A solid masonry wall not less than five (5) nor more than six (6) feet in height shall be erected on the zone boundary line.

- D. Building heights - No building or structure shall have a height greater than seventy-five (75) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - No provisions.
- F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 65.005, C., (1).
- G. Signs - Identification signs indicating the name and nature of any occupancy and/or the name and address of the building shall be permitted, provided they are located on the subject property. Said signs shall not exceed two hundred (200) square feet in area.

Directional signs related to the location of facilities on the premises, provided they are located on the subject property. Said signs shall not exceed twenty (20) square feet in area.

"For rent," "for sale," "vacancy" and similar signs provided they are posted on the subject lot or on a building thereon by the owner or his authorized agent. Said signs shall not exceed twenty (20) square feet in area and there shall be not more than one (1) such sign for each unit development.

The provisions of Section 63.005, G. shall apply in case of other signs.

- H. Access - The provisions of the CP Zone, Section 61.005, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 66 - C-5 ZONE (COMMERCIAL HIGHWAY ZONE)

SECTION 66.001 - INTENT

This zone is intended to provide for highway related businesses and services

SECTION 66.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Auto parts sales, new

Auto rental

Auto repair garage

Auto sales and service

Auto service station

Auto top, glass and upholstery shop

Beauty and barber shop

Body and fender shop

Bowling alley

Building materials

Bus storage and terminal

Cafe

Coffee shop

Drive-in restaurant

Drive-in food dispenser

Emergency medical clinic

Equipment rental

Farm equipment sales, rental and service

Fire station

Fix-it shop

Florist

Food stores

Garage, public

Labor halls

Landscape service

August 29, 1972

Laundromat
Lawnmower sales and service
Libraries
Liquor, off sale
Liquor, on sale
Lodges and meeting halls
Maintenance service
Mechanical auto wash
Mobile home sales and service
Motels
Motor motels
Motorcycle sales and service
Motor scooter sales and service
Offices
Off-street parking facilities
Pet shop and food store
Pharmacy
Playground equipment sales, rental and service
Police station
Post office
Printing and publishing
Public utility customer service office
Radio stations
Real estate broker
Repair garage
Restaurant
Swimming pool sales and service
Taxi
Telegraph office
Tire sales, new
Truck rentals
Trailer, travel, sales, rental and service
Veterinarian

SECTION 66.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Agricultural equipment, sales, rental and service
Church
Cocktail lounge
Drive-in theater
Gunsmith

August 29, 1972

Miniature golf course
Model home
Outdoor advertising
Paint booth
Paint shop
Public parks
Public utility substation and/or transfer station
Skating rink
Temporary carnivals and bazaars
Truck repairing.

SECTION 66.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residences not in conjunction with a permitted use and industrial unless otherwise provided for herein

SECTION 66.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions.
- B. Lot dimensions
 - 1. Width - No provisions.
 - 2. Depth - No provisions.
- C. Yards
 - 1. Where the C-5 Zone fronts, sides or rears on a

August 29, 1972

local street, which is the boundary between the C-5 Zone and any residential or agricultural zone there shall be a yard abutting the highway of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.

2. Where the C-5 Zone sides or rears on an alley, which is the boundary between the C-5 Zone and any residential or agricultural zone, there shall be a yard abutting the alley of not less than seventy (70) feet located from the side of the alley opposite the C-5 property.

The required yard may be used for parking or storage provided the items are not stacked higher than the required wall. Single objects each having a height greater than six (6) feet shall not be stored in said required yard.

A solid masonry wall not less than five (5) feet nor more than six (6) feet in height shall be erected on the property line abutting the alley except where the alley is used for access for servicing.

3. Where the C-5 Zone sides or rears on a railroad right-of-way which is the boundary between the C-5 Zone and any residential or agricultural zone, there shall be a yard of not less than fifty (50) feet, measured from the opposite side of the railroad right-of-way, except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line which is a common line between the railroad right-of-way and the C-5 Zone property.

Said required yard may be used for parking, loading or storage provided items are not stacked higher than six (6) feet. Single objects, each having a height greater than six (6) feet, shall not be stored on said required yard. A railroad loading dock shall be the only structure permitted in the required yard abutting the railroad right-of-way.

August 29, 1972

4. Where the C-5 Zone sides or rears on an irrigation ditch or drainage channel right-of-way which is the boundary between the C-5 Zone and any residential or agricultural zone, there shall be a yard of not less than seventy (70) feet measured from the opposite side of the ditch or channel right-of-way, except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line, which is a common line between the ditch or channel right-of-way and the C-5 Zone property.

Said required yard may be used for parking, loading, or storage providing items are not stacked higher than six (6) feet. Single objects each having a height greater than six (6) feet shall not be stored on said required yard.

5. Where the C-5 Zone sides or rears directly on a residential or agricultural zone with no street, highway, alley, irrigation ditch, drainage channel right-of-way, or railroad right-of-way, there shall be a yard of not less than seventy (70) feet. Said required yard may be used for parking or storage provided items are not stored higher than the required wall. Single objects each having a height greater than six (6) feet shall not be stored on the said required yard.
6. Where the C-5 Zone fronts directly on a street, which is the boundary with the public park, there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.

When the C-5 Zone sides or rears on a public park or sides or rears on a major or secondary arterial, local street, alley, railroad right-of-way, or irrigation ditch, drainage channel right-of-way, which is the boundary with the public park, no yard shall be required.

A solid masonry wall not less than five (5) nor more than six (6) feet in height shall be erected on the side or rear property line when the C-5 Zone sides or rears directly on a public park.

August 29, 1972

D. Building heights - No building or structure shall have a height greater than fifty (50) feet unless otherwise permitted by a conditional use permit.

E. Distance between buildings - No provisions.

F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 66.005, C., (2), (4), (5), and (6).

The provisions of the C-2 Zone, Section 63.005, F., (1), (2) and (3) shall also apply.

G. Signs - The provisions of the C-2 Zone, Section 63.005, G., shall apply.

H. Access - The provisions of the CP Zone, Section 61.005, H. shall apply.

I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 67 - CA ZONE (COMMERCIAL AIRPORT)

SECTION 67.001 - INTENT

This zone is intended to provide for large commercial and military airport facilities and related commercial and industrial activities, as distinguished from public or private airports, reserved for landing, taking off and servicing of aircraft.

SECTION 67.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required
in conjunction with the conduct of a permitted use
Aerial photography and survey service
Aircraft sales, rental and service
Airports
Auto rental
Cafe
Communication equipment buildings
Dwelling units reserved for manager of airport
facilities or employees whose employment is
restricted to direct operation of airport or
related activities
Gift shop
Hangars
Heliport or helispot
Newsstand
Notary public
Off-street parking facilities
Post office
Radio stations
Restaurants
Runways
Stenographers, public
Taxi
Telegraph office
Ticket travel agency

August 29, 1972

SECTION 67.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Barber and beauty college
Book and stationery store
Cocktail lounge
Dancing, public
Florist
Garage, public
General research
Hotels
Manufacturing limited, including processing, assembling,
when incidental to and directly related to the con-
duct of airport facilities
Mechanical auto wash
Microwave radio or television stations and transmitting
towers, commercial
Missile tracking station
Motels
Museum
Pharmacy
Private clubs
Public utility substation and/or transfer station
Schools, vocational
Sewage treatment plant
Temporary carnivals and bazaars
Theater
Truck rentals
Warehousing

SECTION 67.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and industrial, unless other-
wise provided for herein

August 29, 1972

SECTION 67.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards
 - 1. Front yard - No provisions
 - 2. Side yard - No provisions
 - 3. Rear yard - No provisions
- D. Building heights - No building or structure shall have a height which penetrates airport approach zone or a height greater than fifty (50) feet unless otherwise permitted by a conditional use permit except that airport approach zone shall not be penetrated by structures.
- E. Distance between buildings - No provisions
- F. Fences, hedges and walls - Fences, hedges and walls shall be provided as may be required to insure necessary security.
- G. Signs - The provisions of C-2 Zone, Section 63.005, G., shall apply.
- H. Access - The provisions of the CP Zone, Section 61.005, H., shall apply.

ARTICLE 68 - CM ZONE (COMMERCIAL MANUFACTURING)

SECTION 68.001 - INTENT

This zone is intended to provide for a compatible range of commercial activities and restricted manufacturing and wholesale facilities generally limiting uses to those essential and incidental to one another.

SECTION 68.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare.

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Addressograph services
Auto parts sales
Auto service station
Auto top, glass and upholstery shop
Bakery
Bakery goods distributors
Blueprint shop
Boat and other marine sales and service
Body and fender shop
Building materials
Bus storage and terminal
Cafe
Catering services
Cleaners
Coffee shop
Communication equipment buildings
Electronic equipment, manufacturing, assembly and sales
Equipment rental
Frozen food locker
Fire station
Food stores
Furniture cleaning
Furniture sales and service
Ice plant
Laboratories, research and testing

August 29, 1972

Labor halls
Laundry and dry cleaning
Lodges and meeting halls
Maintenance service
Mechanical auto wash
Mimeographing and duplicating
Mobile home sales and services
Motor scooter sales and service
Off-street parking facilities
Parcel delivery terminal
Playground equipment sales, rental and service
Police station
Printing and publishing
Repair garage
Swimming pool sales and service
Trailer, travel, sales, rental and service
Upholstery shop
Wholesaling and warehousing

SECTION 68.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided in Section 114.001:

Auction sales not including animals
Caretaker's residence
College, vocational
Lumber yard
Outdoor advertising
Paint booth
Paint shop
Public utility substation and/or transfer station
Restaurant
Sewage treatment plant
Temporary carnivals and bazaars
Truck repairing
Vending machine servicing

August 29, 1972

SECTION 68.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and industrial, unless otherwise provided for herein

SECTION 68.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

A. Lot area - No provisions.

B. Lot dimensions

1. Width - No provisions.

2. Depth - No provisions.

C. Yards

1. Where the CM Zone fronts, sides or rears on a local street, which is the boundary between the CM Zone and any residential or agricultural zone, there shall be a yard abutting the highway of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.

2. Where the CM Zone sides or rears on an alley, which is the boundary between the CM Zone and any residential or agricultural zone, there shall be a yard abutting the alley of not less than seventy (70) feet located from the side of the alley opposite the CM property.

The required yard may be used for parking or storage provided the items are not stacked higher than the required wall. Single objects each having a height greater than six (6) feet shall not be stored in said required yard.

A solid masonry wall, fence or hedge not less

August 29, 1972

than five (5) feet nor more than six (6) feet in height shall be erected on the property line abutting the alley except where the alley is used for access for servicing.

3. Where the CM Zone sides or rears on a railroad right-of-way which is the boundary between the CM Zone and any residential or agricultural zone there shall be a yard of not less than fifty (50) feet, measured from the opposite side of the railroad right-of-way, except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line which is a common line between the railroad right-of-way and the CM Zone property.

Said required yard may be used for parking, loading or storage provided items are not stacked higher than six (6) feet. Single objects each having a height greater than six (6) feet shall not be stored on said required yard. A railroad loading dock shall be the only structure permitted in the required yard abutting the railroad right-of-way.

4. Where the CM Zone sides or rears on an irrigation ditch or drainage channel right-of-way which is the boundary between the CM Zone and any residential or agricultural zone there shall be a yard of not less than seventy (70) feet measured from the opposite side of the ditch or channel right-of-way except, however, in no case shall said yard be less than twenty (20) feet in depth measured from the property line, which is a common line between the ditch or channel right-of-way and the CM Zone property.

Said required yard may be used for parking, loading or storage provided items are not stacked higher than six (6) feet. Single objects each having a height greater than six (6) feet shall not be stored on said required yard.

5. Where the CM Zone sides or rears directly on a residential or agricultural zone with no street,

August 29, 1972

highway, alley, irrigation ditch, drainage channel right-of-way, or railroad right-of-way, there shall be a yard of not less than seventy (70) feet. Said required yard may be used for parking or storage provided items are not stored higher than the required wall. Single objects each having a height greater than six (6) feet shall not be stored on said required yard.

6. Where the CM Zone fronts directly on a street, which is the boundary with the public park, there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.

When the CM Zone sides or rears on a public park or sides or rears on a major or secondary arterial, local street, alley, railroad right-of-way, or irrigation ditch, drainage channel right-of-way, which is the boundary with the public park, no yard shall be required.

A solid masonry wall, fence or hedge not less than five (5) feet nor more than six (6) feet in height shall be erected on the side or rear property line when the CM Zone sides or rears directly on a public park.

- D. Building heights - No building or structure shall have a height greater than fifty (50) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - No provisions.
- F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 68.005, C., (2) and (6).

Fences, hedges and walls or retaining walls not more than six (6) feet in height shall be permitted on or within all property lines not abutting a street and on or to the rear of all yard setback lines of yards abutting the street.

Walls shall be reduced to not more than three (3) feet

August 29, 1972

in height, in any required yard abutting a street.

- G. Signs - The provisions of the C-2 Zone, Section 63.005, G., shall apply.
- H. Access - The provisions of the CP Zone, Section 61.005, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

C H A P T E R 7

ARTICLE 70 - MANUFACTURING-INDUSTRIAL ZONES

SECTION 70.001 - DESIGNATION OF MANUFACTURING-INDUSTRIAL ZONES

As used in this Ordinance, Manufacturing-Industrial Zones shall include the following:

- | | |
|-----|--------------------------------------|
| M-1 | Light manufacturing-industrial zone |
| M-2 | Medium manufacturing-industrial zone |
| M-3 | Heavy manufacturing-industrial zone |

SECTION 70.002 - INTENT

The manufacturing-industrial zones are established to provide land area upon which a wide variety and complexity of industrial and manufacturing uses and processes may be performed and function efficiently and homogeneously, including uses and public service facilities required or desirable in an area devoted to manufacturing and industrial purposes.

The property development standards prescribed are designed to assist in the placing of compatible manufacturing and industrial uses within the various areas of the community in such a manner to avoid inconsistent arrangement of land uses.

August 29, 1972

ARTICLE 71 - M-1 ZONE (LIGHT MANUFACTURING INDUSTRIAL)

SECTION 71.001 - INTENT

This zone is intended to provide for the development of industrial uses involving fabrication, manufacturing, assembly or processing of materials that are already in processed form and warehousing. The uses permitted are restricted, limiting objectionable or obnoxious influence or activities, thereby permitting the location of such uses in reasonable proximity to other forms of land use without any detrimental effect.

SECTION 71.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Any use except residential uses permitted within the C-2, C-3, and C-5 Zones, Sections 63.002, 64.002, and 66.002 respectively

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Addressograph services

Aerial photograph and survey service

Advertising agencies

Auto top, glass and upholstery shop

Bakery

Blueprinting and photocopying

Bus storage and terminal

Carpet and rug cleaning plant

Cleaners

Electrical equipment, manufacturing or assembly

Equipment rental, light

Fire station

Frozen food locker

Furniture cleaning

Furniture upholstery

Labor halls

Laundry and dry cleaning

Manufacturing, compounding, assembling or treatment

of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feather, felt fiber, fur glass, hair, horn, lacquer, leather, paper,

plastics, precious or semi-precious metals or stones.
shell, textile, wood (excluding planing mill), dairy
products, fruits or vegetables, synthetics, and paint
(not employing a boiling process) and all metals

Masonry sales
Mimeographing and duplicating
Office furniture and machine sale, rental and repair
Off-street parking facilities
Parcel delivery terminal
Parking lot, public and private
Photocopying
Printing and publishing
Public utility customer's service office
Public utility substations and/or transfer station
Tinsmith
Veterinarian
Warehousing and Wholesaling

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SECTION 71.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE
PERMIT

The following uses may be permitted subject to conditional use
permit as provided for in Section 114.001:

Aircraft sales rental and service
Apartment hotels
Auction, public or private
Auditoriums
Auto parts and sales
Auto service station
Billboard, outdoor advertising structure
Cafe
Caretaker's residence and servant quarters
Churches
Coffee shop
Day Nursery
Emergency medical clinic
Employment agency
Golf courses
Hospitals
Lodges and meeting halls
Lumber yard including millwork manufacturing
Mechanical auto wash
Microwave radio or television stations and
transmitting towers
Offices
Poultry and rabbit slaughtering
Pounds
Public parks
Reservoirs
Restaurants

August 29, 1972

142

1 /Amended December 5, 1973

Schools, vocational
Sewage treatment plant
Silos
Stone monument works
Storage yard
Vending machine licensing and servicing

1 /

SECTION 71.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and commercial, unless
otherwise provided for herein

SECTION 71.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions.
- B. Lot dimensions
 - 1. Width - No provisions.
 - 2. Depth - Each lot shall have a minimum depth of one hundred fifty (150) feet.
- C. Yards
 - 1. Where the M-1 Zone fronts, sides or rears on a major or secondary arterial which is a boundary between the M-1 and any commercial or other manufacturing zone, there shall be a yard abutting the highway of not less than twenty-five (25) feet. Said required yard may be landscaped or used for parking, however, shall not be used for loading or storage.
 - 2. Where the M-1 Zone fronts, sides or rears on a local street, which is a boundary between any M-1 Zone and any commercial or other manufacturing zone, there shall be a yard abutting said street of not less than ten (10) feet. Said required yard may be landscaped or used for parking, however, shall not be used for loading or storage.

August 29, 1972

143

1 / Amended December 5, 1973

3. Where the M-1 Zone fronts, sides or rears on a major or secondary arterial which is a boundary between the M-1 and any residential or agricultural zone, there shall be a yard abutting the highway of not less than fifty (50) feet.

A solid masonry wall and/or fence or hedge not less than three (3) feet nor more than four (4) feet in height shall be provided twenty-five (25) feet from and parallel with the front, side or rear property line abutting the highway; the space between the required wall and the property line shall be landscaped and maintained, the remainder of the required yard may be used for parking, but shall not be used for loading or storage.

4. Where the M-1 Zone fronts, sides or rears on a local street which is a boundary between the M-1 Zone and any residential or agricultural zone, there shall be a yard abutting the street of not less than eighty-five (85) feet.

A solid masonry wall and/or fence or hedge not less than three (3) feet nor more than four (4) feet in height shall be provided fifty (50) feet from and parallel with the front, side or rear property line and shall be landscaped and maintained; the remainder of the required yard may be used for parking, but shall not be used for loading or storage.

5. Where the M-1 Zone sides or rears on any alley which is a boundary between the M-1 Zone and any residential or agricultural zone, there shall be a yard abutting the alley of not less than eighty (80) feet measured from the side of the alley opposite the M-1 property.

The required yard may be used for parking or storage, provided that items are not stacked higher than the required wall. Single objects, not stacked or piled each having a height greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line.

August 29, 1972

A solid masonry wall and/or fence or hedge not less than five (5) feet nor more than six (6) feet in height shall be erected on the property line abutting the alley, excepting where the alley is used as access for servicing.

6. Where the M-1 Zone sides or rears on a railroad right-of-way which is the boundary between the M-1 and any residential or agricultural zone, there shall be a yard of not less than fifty (50) feet measured from the opposite side of the railroad right-of-way.

Said required yard may be used for parking, loading or storage, provided items are not stacked higher than six (6) feet. Single objects, not stacked or piled, each having a height greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line. A railroad loading dock shall be the only structure permitted in the required yard abutting a railroad right-of-way.

7. Where the M-1 Zone sides or rears on an irrigation ditch or drainage channel right-of-way which is the boundary between the M-1 and any residential or agricultural zone, there shall be a yard of not less than eighty (80) feet measured from the opposite side of the ditch or channel right-of-way.

Said required yard may be used for parking, loading or storage, provided items are not stacked higher than six (6) feet. Single objects, not stacked or piled, each having a height greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line.

8. Where the M-1 Zone sides or rears directly on a residential or agricultural zone with no street, highway, alley, irrigation ditch, drainage channel right-of-way or railroad right-of-way between, there shall be a yard of not less than eighty (80) feet.

A solid masonry wall and/or fence or hedge not less than five (5) feet nor more than six (6) feet in

height shall be erected on the zone boundary line.

Said wall shall be reduced to not more than three (3) feet in height in any required yard abutting a street. Said required yard may be used for parking or storage provided items are not stored higher than the required wall.

9. Where the M-1 Zone fronts directly on a public park or fronts on a street which is a boundary with a public park, there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard may be landscaped or used for parking, however, shall not be used for loading or storage.

Where the M-1 Zone sides or rears on a public park, or sides or rears on a major or secondary highway, local street, alley, railroad right-of-way or irrigation ditch, drainage channel right-of-way, which is a boundary with a public park, no yard shall be required. A solid masonry wall and/or fence or hedge of not less than five (5) feet nor more than six (6) feet in height shall be erected on the side or rear property line where there is no building on said line.

D. Building heights - No building or structure shall have a height greater than fifty (50) feet.

E. Distance between buildings - No provisions.

F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 71.005, C., (3), (4), (5), (6), (7), (8) and (9).

1. Fences, hedges and walls and retaining walls on or within all property lines not abutting a street and on or to the rear of all yard setback lines of yards abutting the street not more than six (6) feet in height, shall be permitted.
2. Walls shall be reduced to not more than three (3) feet in height in any required yard abutting a street.

August 29, 1972

- G. Signs - Identification signs indicating the name and nature of the occupancy and/or the name and address of the building shall be permitted, provided they are located on the subject property. Said signs shall not exceed one hundred (100) square feet in area.

Directional signs related to the location of facilities on the premises, provided they are located on the subject property. Said signs shall not exceed twenty (20) square feet in area.

For sale, for rent and similar signs, provided they are posted on the subject lot or building by the owner or his authorized agent.

Name plates not exceeding three (3) square feet in area.

Window signs and A-frame signs advertising sale of products available from the premises shall be permitted so long as such are located on the subject property.

Signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways.

Location, lighting, and color of signs shall be such as to cause no confusion with public signs or traffic signals.

No blinking, flashing or animated signs visible from any street or highway shall be permitted.

Signs shall not exceed the height provisions of this zone and shall be so arranged to reflect the light away from adjoining premises.

- H. Access - Vehicular access shall be provided from a dedicated street or alley. Vehicular access to lots fronting a major or secondary arterial shall be subject to the approval of the County Engineer.

- I. Off-street parking - Off-street parking shall be provided for in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 72 - M-2 ZONE (MEDIUM MANUFACTURING-INDUSTRIAL)

SECTION 72.001 - INTENT

This zone is intended to allow the establishment of intermediate industrial uses permitting the processing or producing of materials which may produce smoke, noise, vibration, lights, heat, glare or fumes, provided measures are taken from the specified development standards to minimize such beyond the boundaries of the property upon which the use is located.

SECTION 72.002 - PRINCIPAL USES

Buildings, structures, and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Any use permitted within the M-1 Zone as contained in Section 71.002

Agricultural equipment, sales, rental and service

Automotive assembly and rebuilding

Auto repair garage

Blacksmith shop

Boat building

Body and fender shop

Bottling plant

Brewery

Cannery

Cold storage plant

Contractor storage yard

Creamery

Docking facilities

Draying and freight yard

Food processing and packing

Furniture storage

Lumber yard including millwork manufacturing

Machine shop

Machinery rental and equipment rental

Mixing plants, asphaltic and/or concrete

Public utility service yards

Repair garage

August 29, 1972

Research and development
Rock crushing plants and aggregate dryers
Sheet metal shop
Tire recapping, retreading and rebuilding
Trucking yard terminal
Wearing apparel
Wineries

SECTION 72.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided in Section 114.001:

Any use permitted within the M-1 Zone
Automobile dismantling yard
Impound yard
Feed and fuel
Grain elevators
Heliport or helistop

SECTION 72.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and commercial, unless otherwise provided for herein

SECTION 72.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

A. Lot area - No provisions

B. Lot dimensions

1. Width - No provisions

2. Depth - Each lot shall have a minimum depth of three hundred (300) feet.

C. Yards

1. The provisions of the M-1 Zone Sec. 71.005 C., (1) shall apply.

2. The provisions of the M-1 Zone, Section 71.005 C, (2) shall apply.

August 29, 1972

3. Where the M-2 Zone fronts, sides or rears on a major or secondary arterial which is a boundary between the M-2 and any residential or agricultural zone, there shall be a yard abutting the highway of not less than one hundred (100) feet.

A solid masonry wall and/or fence or hedge not less than three (3) feet nor more than four (4) feet in height shall be provided fifty (50) feet from and parallel with the front, side or rear property line abutting the highway, the space between the required wall and the property line shall be landscaped and maintained, the remainder of the required yard may be used for parking, but shall not be used for loading or storage.

4. Where the M-2 Zone fronts, sides or rears on a local street which is the boundary between the M-2 Zone and any residential or agricultural zone, there shall be a yard abutting the street of not less than one hundred (100) feet.

A solid masonry wall and/or fence or hedge not less than three (3) feet nor more than four (4) feet in height shall be provided seventy-five (75) feet from and parallel with the front, side or rear property line and shall be landscaped and maintained, the remainder of the required yard may be used for parking, but shall not be used for loading or storage.

5. Where the M-2 Zone sides or rears on any alley which is a boundary between the M-2 Zone and any residential or agricultural zone, there shall be a yard abutting the alley of not less than one hundred (100) feet measured from the side of the alley opposite the M-2 property.

The required yard may be used for parking or storage, provided that items are not stacked higher than the required wall. Single objects, not stacked or piled, each having a height

August 29, 1972

greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line.

A solid masonry wall and/or fence or hedge not less than five (5) feet nor more than six (6) feet in height shall be erected on the property line abutting the alley, excepting where the alley is used as access for servicing.

6. The provisions of the M-1 Zone, Section 71.005, C., (6) shall apply.

7. Where the M-2 Zone sides or rears on an irrigation ditch or drainage channel right-of-way which is the boundary between the M-2 and any residential or agricultural zone, there shall be a yard of not less than one hundred (100) feet measured from the opposite side of the ditch or channel right-of-way.

Said required yard may be used for parking loading or storage, provided items are not stacked higher than six (6) feet. Single objects, not stacked or piled, each having a height greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line.

8. Where the M-2 Zone sides or rears directly on a residential or agricultural zone with no street, highway, alley, irrigation ditch, drainage channel right-of-way or railroad right-of-way between, there shall be a yard of not less than one hundred (100) feet.

A solid masonry wall and/or fence or hedge not less than five (5) feet nor more than six (6) feet in height shall be erected on the zone boundary line. Said wall shall be reduced to not more than three (3) feet in height in any required yard abutting a street. Said required yard may be used for parking or storage provided items are not stored higher than the required wall.

9. The provisions of the M-1 Zone, Section 71.005, C., (9) shall apply.

August 29, 1972

- D. Building heights - No buildings or structures shall have a height greater than fifty (50) feet.
- E. Distance between buildings - No provisions.
- F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 72.005, C., (3), (4), (5), (6), (7), (8), and (9), and as permitted in the M-1 Zone, Section 71.005, F., (1) and (2).
- G. Signs - The provisions of the M-1 Zone, Section 71.005, G., shall apply.
- H. Access - The provisions of the M-1 Zone, Section 71.005, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 73 - M-3 ZONE (HEAVY MANUFACTURING-INDUSTRIAL)

SECTION 73.001 - INTENT

This zone is intended to allow heavier and more intense industrial uses in an area requiring large land area and which operations may produce objectionable qualities; however, would not exceed the degree of tolerance provided by pollution control authorities. Any uses permitted in this zone should not have a detrimental effect upon abutting properties or be injurious thereto.

SECTION 73.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Any use permitted within the M-2 Zone as contained
in Section 72.002

Automobile dismantling yard
Drop hammer
Feed and fuel
Feed mill
Foundry
Freight yards
Furniture manufacturing
Grain elevators
Knitting mills
Log storage and handling
Lumber manufacturing and processing
Masonry manufacturing
Mixing plants, asphaltic and/or concrete
Planing mill
Punch press
Quarry, commercial
Rock crushing plants and aggregate dryers
Wood products and processing

August 29, 1972

SECTION 73.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Any use permitted within the M-2 Zone, as contained in Section 72.003

Feed lots

Fertilizer plants

Junk and salvage yard

Meat packing plant

Paper mill and pulp mill

Race track, autos

Refineries

Rendering plants

Tanneries

SECTION 73.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agricultural, residential and commercial, unless otherwise provided for herein

SECTION 73.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

A. Lot area - No provisions

B. Lot dimensions

1. Width - No provisions

2. Depth - Each lot shall have a minimum depth of three hundred (300) feet.

August 29, 1972

C. Yards

1. The provisions of the M-1 Zone, Section 71.005, C., (1) shall apply.
2. The provisions of the M-1 Zone, Section 71.005, C., (2) shall apply.
3. The provisions of the M-2 Zone, Section 72.005, C., (3) shall apply.
4. Where the M-3 Zone fronts, sides or rears on a local street which is a boundary between the M-3 Zone and any residential or agricultural zone, there shall be a yard abutting the street of not less than one hundred fifty (150) feet.

A solid masonry wall and/or fence or hedge not less than three (3) feet nor more than four (4) feet in height shall be provided one hundred (100) feet from and parallel with the front, side or rear property line and shall be landscaped and maintained, the remainder of the required yard may be used for parking, but shall not be used for loading or storage.

5. Where the M-3 Zone sides or rears on any alley which is a boundary between the M-3 Zone and any residential or agricultural zone, there shall be a yard abutting the alley of not less than one hundred fifty (150) feet measured from the side of the alley opposite the M-3 property.

The required yard may be used for parking or storage, provided that items are not stacked higher than the required wall. Single objects not stacked or piled, each having a height greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line.

A solid masonry wall and/or fence or hedge not less than five (5) feet nor more than six (6)

August 29, 1972

feet in height shall be erected on the property line abutting the alley, excepting where the alley is used as access for servicing.

6. Where the M-3 Zone sides or rears on a railroad right-of-way which is the boundary between the M-3 Zone and any residential or agricultural zone, there shall be a yard of not less than one hundred (100) feet measured from the opposite side of the railroad right-of-way.

Said required yard may be used for parking, loading or storage, provided items are not stacked higher than six (6) feet. Single objects, not stacked or piled, each having a height greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line. A railroad loading dock shall be the only structure permitted in the required yard abutting a railroad right-of-way.

7. Where the M-3 Zone sides or rears on an irrigation ditch or drainage channel right-of-way which is the boundary between the M-3 and any residential or agricultural zone, there shall be a yard of not less than one hundred fifty (150) feet measured from the opposite side of the ditch or channel right-of-way.

Said required yard may be used for parking, loading or storage, provided items are not stacked higher than six (6) feet. Single objects, not stacked or piled, each having a height greater than six (6) feet may be stored in said required yard provided that an unobstructed aisle not less than six (6) feet in width is maintained between such storage area and any side or rear property line.

8. Where the M-3 Zone sides or rears directly on a residential or agricultural zone with no street,

August 29, 1972

highway, alley, irrigation ditch, drainage channel right-of-way or railroad right-of-way between, there shall be a yard of not less than one hundred fifty (150) feet.

A solid masonry wall and/or fence or hedge not less than five (5) feet nor more than six (6) feet in height shall be erected on the zone boundary line. Said required yard may be used for parking or storage provided items are not stored higher than the required wall.

9. Provisions of the M-1 Zone, Section 71.005, C., (9) shall apply.

D. Building heights - No building or structure shall have height greater than one hundred fifty (150) feet.

E. Distance between buildings - No provisions

F. Fences, hedges and walls - Fences, hedges and walls shall be placed as required in Section 73.005, C., (3), (4), (5), (6), (7), (8), and (9), and as permitted in Section 71.005, F., (1) and (2).

G. Signs - The provisions of the M-1 Zone Section 71.005, G., shall apply.

H. Access - The provisions of the M-1 Zone, Section 71.005, H., shall apply.

I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

C H A P T E R 8

ARTICLE 80 - SPECIAL PURPOSE ZONES

SECTION 80.001 - DESIGNATION OF SPECIAL PURPOSE ZONES

As used in this Ordinance, special purpose zones shall include the following:

SP-1	Rural Residential Zone - 1 acre
SP-2	Overlying Zone - Critical Deer Winter Range
SP-3	Overlying Zone - Deer Preservation
SP-4	Reserved
SP-5	Exclusive Farm Use Zone
SP-6	Flood Plain - Watershed Zone
SP-7	Scenic Corridor Zone
SP-8	Neighborhood Recreational Zone
SP-9	Community Recreational Zone
SP-10	Regional Recreational Zone
SP-11	Marina Zone
SP-12	Quarry Zone
SP-13	Public Facilities Zone
SP-14	Public Facilities Zone
SP-15	Public Facilities Zone
SP-16	Planned Unit Development Zone

SECTION 80.002 - INTENT

The special purpose zones are designed to facilitate placing of specialized uses which may not appropriately fall into one of the basic agricultural, residential, commercial and manufacturing zones. The special purpose zones are also intended to aid in conservation of natural resources, encourage the development of recreational areas, insure needed transportation facilities, provide for public facilities desirable on a neighborhood or regional basis, and permit the development of land in a congruous manner to the benefit of the land and the area in which it may be located.

The property development standards provided, or as may be designated by the administrative or legislative authorities, are to insure the compatibility of the various uses allowed

August 29, 1972

in the special purpose zones in such a manner that they will not be detrimental to surrounding land uses and zones.

The special purpose zones are also established in recognition of various uses presently applied to properties within established communities in the unincorporated territory of Klamath County.

August 29, 1972

ARTICLE 81 - SP-1 ZONE (RURAL RESIDENTIAL)

SECTION 81.001 - INTENT

This zone is intended to provide for the development and maintenance of rural type residential living having a lot area of not less than one (1) acre allowing for seasonal or all-year residency, the keeping of certain domesticated animals, providing for limited agricultural pursuits, and in addition thereto, allowing certain commercial uses subject to a conditional use permit to insure the convenient needs of those persons who will reside within the area.

SECTION 81.002 - PRINCIPAL USES

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings, including one (1) accessory living quarter, private stables, greenhouse, lath house and the like

Accessory uses including tree and ground crops
Dwelling, one family for each acre, placed in such a way that each residence can conform to the minimum standards of the zone

Keeping of horses, bovine, goats and sheep within a pen or corral subject to the following conditions:

- (1) The lot area is not less than one (1) acre;
- (2) There shall be not more than six (6) animals per acre

Keeping of poultry, rabbits and the like shall be permitted; however, not more than 100 per acre

Mobile home

SECTION 81.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided in Section 114.001:

August 29, 1972

Addressograph services
Administrative or professional offices
Antique home furnishings
Appliance sales and service
Automobile service station
Auto parts sales, new
Auto repair garage
Bank and financial institutions
Barber and beauty shop
Book and stationery store
Cafe
Condominiums
Church
Clubs and lodges
Coffee shop
Community social center
Dance hall
Delicatessen
Dude ranch
Educational institutions
Fix-it shop
Flight strips and helistops
Food stores
Furniture sales
Garage, public
Gift shop
Golf course
Gunsmith
Hardware store
Hospital
Hotel
Hunting and fishing preserve
Laundry or dry cleaning
Laundromat
Liquor, off-sale
Liquor, on-sale
Mail order house
Marina, including the sale, display and repair of
marine pleasure craft and supplies
Market
Medical office
Microwave, radio and/or television transmitting towers
Mimeographing and duplicating

August 29, 1972

Mobile home park
Motel
Multiple dwellings
Museum
Nursery school
Nursing homes
Optometrist
Park
Pet shop and food store
Pharmacy
Photography supplies
Plant nursery
Post office
Public utilities facilities
Real estate office
Restaurant
Riding academy
Sewage treatment plant
Shoe sales and repair
Sporting goods and equipment sales and rental
Taxidermist
Theater, theatrical and motion picture
Trailer park, overnight
Variety store
Western store
Yarn shop

SECTION 81.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agriculture, residential, commercial and industrial
uses unless otherwise provided for herein

SECTION 81.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to
all land and buildings except that any lot held under separate
ownership or of record on the effective date of this Ordinance
which is substandard in area or dimension, may be used subject
to all other standards:

August 29, 1972

- A. Lot area - The minimum lot area shall be not less than one (1) acre.
- B. Lot dimensions - All lots hereafter created shall comply with the following minimum standards:
 - 1. Width - Lots shall have a minimum width of one hundred (100) feet.
 - 2. Depth - Lots shall have a minimum depth of two hundred (200) feet.
- C. Yards
 - 1. Front yard - Each lot shall have a front yard of not less than twenty-five (25) feet, extending across the full width of the lot; however, no building or structure shall be located within seventy-five (75) feet of the centerline of a street or highway upon which the lot fronts.
 - 2. Side yard - Each lot shall have a side yard on each side of not less than twenty (20) feet; however, no building or structure shall be located within fifty (50) feet of the centerline of a street or highway upon which the lot sides.
 - 3. Rear yard - Each lot shall have a rear yard of not less than twenty-five (25) feet extending across the full width of the lot.
- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet.
- E. Distance between buildings - The minimum distance between accessory and main building shall be not less than six (6) feet. The minimum distance between accessory buildings shall be not less than six (6) feet unless said buildings have a common or party wall.
- F. Fences, hedges and walls - No fence, hedge or wall shall be placed to create a visual obstruction to

August 29, 1972

vehicular traffic and the provisions relative to "Corner Cutback Area," Section 103.003 shall apply.

- G. Signs - An identification sign indicating the name, nature or operation of the premises on which it is located may be permitted so long as such sign is located not closer than fifty (50) feet to the centerline of a street or highway and is not more than twenty (20) square feet in area.
- H. Access - Access to properties fronting on a County or State highway shall be subject to the approval of the County Engineer.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 82 - SP-2 OVERLYING ZONE (CRITICAL DEER WINTER RANGE PROTECTION)

SECTION 82.001 - INTENT

These zones are designated on sheet numbers 5, 6, 7 and 8 of the zoning maps that are an integral part of this Ordinance. This zone designates geographical areas throughout the County where deer have a tendency to congregate during the winter months, thereby likewise creating areas where deer feed is in short supply during months of heavy snowfall.

Species and habitat-protective measures are needed. The creation of this zone is not intended to impinge in any manner whatsoever upon the property rights and privileges of any property owner, public or private, within the exterior boundaries of such areas.

This zone is to be combined with other zones and noted as a suffix. For example, AF-SP-2 designates an Agricultural Forestry Zone which also has lands identified and zoned as critical deer winter range. The provisions of the SP-2 district are added to the provisions of the AF or any other zone in which such range is found and to which the SP-2 suffix is added.

SECTION 82.002 - PRINCIPAL USES

Principal uses include all uses permitted in the districts denoted by the prefix zoning designation.

SECTION 82.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

Uses permitted subject to conditional use permit include all uses permitted in the district denoted by the prefix zoning designation.

SECTION 82.004 - USES EXPRESSLY PROHIBITED

Uses expressly prohibited include only those expressly prohibited in the district denoted by the prefix zoning designation.

SECTION 82.005 - PROPERTY DEVELOPMENT STANDARDS

Property development standards include only those applicable in the district denoted by the prefix zoning designation.

August 29, 1972

ARTICLE 83 - SP-3 OVERLYING ZONE (WILDLIFE CORRIDOR)

SECTION 83.001 - INTENT

This zone which borders on the Klamath-Lake County boundary line is designated on sheet number 8 of the zoning maps that are an integral part of this Ordinance. This zone designates a geographical area that deer and antelope habitually traverse each year while passing to and from their winter and summer ranges. The creation of this zone is not intended to impinge in any manner whatsoever upon the property rights of any property owner, public or private, within the exterior boundary of such area.

This zone is to be combined with other zones and noted as a suffix. For example AF-SP-3 designates an Agricultural Forestry Zone which also has lands identified and zoned as wildlife corridor. The provisions of the SP-3 district are added to the provisions of the AF or any other zone in which such range is found and to which the SP-3 suffix is added.

SECTION 83.002 - PRINCIPAL USES

Principal uses include all uses permitted in the districts denoted by the prefix zoning designation.

SECTION 83.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

Uses permitted subject to conditional use permit include all uses permitted in the district denoted by the prefix zoning designation.

SECTION 83.004 - USES EXPRESSLY PROHIBITED

Uses expressly prohibited include only those expressly prohibited in the district denoted by the prefix zoning designation, and

hunting of deer and antelope

SECTION 83.005 - PROPERTY DEVELOPMENT STANDARDS

Property development standards include only those applicable in the district denoted by the prefix zoning designation.

August 29, 1972

ARTICLE 84 - RESERVED

August 29, 1972

ARTICLE 85 - SP-5 ZONE (EXCLUSIVE FARM USE)

SECTION 85.001 - INTENT

This zone is intended to provide for the continued practice of agriculture pursuits, to permit the establishment of only those new uses compatible to agriculture activities and to insure automatic farm use valuation for farms qualifying under the provisions of applicable Oregon Revised Statutes.

SECTION 85.002 - PRINCIPAL USES

Buildings, structures and land shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses: 1 /

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

Church

Dwelling for owners, operators and/or employees required to perform work in conjunction with the conduct of a permitted use

Farm use - Lands used exclusively for farm purposes shall be exempt from regulation under this or any section of the Zoning Ordinance

Golf Course

Park, playground or community center owned and operated by governmental agencies or non-profit organizations

Public or private schools

Public utility facilities

SECTION 85.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

No provisions

SECTION 85.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Residential, commercial and industrial, unless otherwise provided for herein

SECTION 85.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except those used for farm purposes exclusively, and except that any lot under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Each lot shall have a minimum lot area of not less than five (5) acres
- B. Lot dimensions
 1. Width - No provisions
 2. Depth - No provisions
- C. Yards
 1. Front yard - Each lot shall have a front yard of not less than twenty-five (25) feet extending across the full width of the lot; however, no building and/or structure shall be located within seventy-five (75) feet of the centerline of a street or highway upon which the lot fronts.
 2. Side yard - Each lot shall have a side yard on each side of not less than ten (10) feet; however, no building or structure shall be located within fifty (50) feet of the centerline of a street or highway upon which the lot sides.
 3. Rear yard - Each lot shall have a rear yard of not less than twenty-five (25) feet.

August 29, 1972

- D. Building heights - No building height restrictions shall apply except in the case of a building or structure located within one (1) mile of an area used for airport facilities in which case no such building or structure shall exceed fifty (50) feet in height, unless otherwise approved by a conditional use permit.
- E. Distance between buildings - No provisions.
- F. Fences, hedges and walls - No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic.
- G. Signs - An identification sign indicating the name, nature or operation of the premises upon which it is located may be permitted so long as such sign is located not closer than fifty (50) feet to the centerline of a street or highway and does not exceed fifty (50) square feet in area.
- H. Access - Access to property fronting upon a County or State highway shall be subject to the approval of the County Engineer.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 86 - SP-6 ZONE (FLOOD PLAIN - WATERSHED)

SECTION 86.001 - INTENT

This zone is intended to prevent the development of areas that would be subject to flooding, erosion or similar hazards and provide for conservation of water and other natural resources within a watershed area while preserving certain areas for natural recreational attributes and permitting therein limited development of appropriate facilities.

SECTION 86.002 - PRINCIPAL USES

Buildings, structures and land shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Any use conducted by the Forest Service of the United States or any other governmental agency and any authorized leased use designated to be a part of the Forest Service overall recreational service

Farming

Flood control facilities and irrigation projects

Pasture and grazing

Riding and hiking trails

Reservoirs and dams, water treatment plants, pumping stations and any use incidental to storage and distribution of water

SECTION 86.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit provided for in Section 114.001:

Boat ramps, moorage, slips, etc.

Campgrounds, picnic areas, parks, overnight trailer accommodations not otherwise provided in Section 86.002

August 29, 1972

Caretaker's residence
Heliports
Public and private hunting and fishing preserves
Public utility facilities
Quarries

SECTION 86.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

The placing of any permanent structures for agriculture, residential, commercial, industrial, or recreation activities and the use of such land for such purposes unless otherwise provided for herein

SECTION 86.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings, except that any lot held under separate ownership or of record on the effective date of this Ordinance, which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards - Yards shall be provided as may be required by the Planning Commission at the time of granting a conditional use permit.
- D. Building heights - Building heights shall be determined by the Planning Commission at the time of granting a conditional use permit.
- E. Distance between buildings - No provisions

August 29, 1972

- F. Fences, hedges and walls - No fence, hedge or wall shall be placed to restrict normal or free flow of water or access for maintenance type vehicles to the natural water course.
- G. Signs - Signs may be provided as approved by the Planning Commission at the time of granting a conditional use permit.
- H. Access - Access to areas zoned SP-6 shall be provided as required to permit maintenance of natural resources and shall be subject to the approval of the Planning Commission at the time of granting a conditional use permit.
- I. Off-street parking - Off-street parking shall be provided as may be determined by the Planning Commission at the time of granting a conditional use permit.

August 29, 1972

ARTICLE 87 - SP-7 OVERLYING ZONE (SCENIC CORRIDOR)

SECTION 87.001 - INTENT

This zone is intended to insure the retention of natural scenic attributes and may be applied as an overlying zone in addition to the zone applied to the property and/or properties or may be applied as a single zone.

SECTION 87.002 - PRINCIPAL USES

Buildings, structures and land shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Those uses permitted in any underlying zone, except those uses specifically listed in Section 87.003

SECTION 87.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Those uses permitted subject to a conditional use permit in any underlying zone.

Signs and advertising structures and the like

SECTION 87.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Residential, commercial, industrial and recreational uses unless otherwise provided for herein or as may be permitted in an underlying zone

SECTION 87.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

August 29, 1972

- A. Lot area - The minimum lot area shall be as provided in any underlying zone.
- B. Lot dimensions
 - 1. Width - The minimum lot width shall be as provided in any underlying zone.
 - 2. Depth - The minimum lot depth shall be as provided in any underlying zone.
- C. Yards
 - 1. Front yard - Each lot shall have a front yard extending across the full width of the lot as may be required in the underlying zone.
 - 2. Side yard - Each lot shall have a side yard as may be required in the underlying zone.
 - 3. Rear yard - Each lot shall have a rear yard as may be required in the underlying zone.
- D. Building heights - No building or structure shall have a height greater than that provided for in the underlying zone.
- E. Distance between buildings - The minimum distance between buildings shall be as provided in the underlying zone.
- F. Fences, hedges and walls - Fences, hedges and walls may be permitted as allowed in the underlying zone.
- G. Signs - Only those signs, advertising structures and the like which may be permitted subject to Section 87.003.
- H. Access - Vehicular access may be permitted as provided in the underlying zone.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of the underlying zone.

ARTICLE 88 - SP-8 ZONE (NEIGHBORHOOD RECREATION)

SECTION 88.001 - INTENT

This zone is intended to provide for small neighborhood recreational areas, non-commercial in nature, and reserved for the residents of the residential areas which they are to serve. Facilities included are the basic recreational needs.

SECTION 88.002 - PRINCIPAL USES

Buildings, structures and land shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

- Clubhouse and cabana
- Lawn and court games
- Nursery school or child care center provided it is operated in conjunction with the recreational program and activities related only to the residential area which this zone is designed to serve
- Picnic and barbecue facilities
- Playground
- Restroom facilities
- Swimming pool and wading pool
- Tennis courts and badminton courts
- Vending machines for the sale of beverages, foods and cigarettes

SECTION 88.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Private dances conducted by residents within the immediate vicinity for which the facilities within this zone are designed to serve, the hours of operation to be limited to between the hours of 8:00 p.m. and 12:00 p.m.

August 29, 1972

Temporary carnivals and bazaars when conducted by residents within the immediate vicinity for which the facilities within this zone are designed to serve

SECTION 88.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agriculture, industrial, residential and commercial except as otherwise provided for herein

SECTION 88.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Minimum lot area shall be not less than one (1) acre.
- B. Lot dimensions
 - 1. Width - Minimum lot width shall be not less than two hundred (200) feet
 - 2. Depth - Minimum lot depth shall be not less than two hundred (200) feet
- C. Yards
 - 1. When the SP-8 Zone fronts, sides or rears on a street there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.
 - 2. No structure or game area shall be located within fifty (50) feet of any property line abutting residential zoned property.

August 29, 1972

3. Swimming pools, game area or structures shall not be permitted in any of the required yards.

- D. Building heights - No building or structure shall have a height greater than twenty (20) feet.
- E. Distance between buildings - With the exception of utility structures serving permitted buildings and/or structures, the minimum distance between buildings shall be not less than twenty-five (25) feet.
- F. Fences, hedges and walls - A solid masonry wall and/or fence or hedge shall be placed on the lot line where the SP-8 Zone abuts residential zoned property. Said wall, fence or hedge shall not be located within twenty-five (25) feet of any property line abutting a street.
- G. Signs - Identification signs for each street frontage shall be allowed in the required yards so long as such sign does not exceed five (5) square feet in area.
- H. Access - Access to off-street parking facilities and service type driveway shall be from a dedicated street or highway.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 89 - SP-9 ZONE (COMMUNITY RECREATION)

SECTION 89.001 - INTENT

This zone is intended to provide for recreation areas serving communities or segments of large community areas.

SECTION 89.002 - PRINCIPAL USES

Buildings, structures and land shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Those uses permitted in the SP-8 Zone in addition to the following uses:

Administrative offices reserved for administering of programs conducted in conjunction with uses permitted herein

Archery ranges

Arts and crafts

Art gallery

Athletic fields including baseball and football

Caretaker's residence

Community centers owned and operated by governmental agencies

Family and group picnic and barbecue areas

Fishing and casting ponds

Golf courses and necessary appurtenant facilities

Museum

Nature and science hobby area

Outdoor theater, not including drive-in

Private dances

Skating rink, outdoor

Stadium

Zoo

SECTION 89.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to conditional use permit as provided in Section 114.001:

None

August 29, 1972

SECTION 89.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agriculture, commercial, residential and industrial,
except as otherwise provided for herein

SECTION 89.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot under separate ownership or of record on the effective date of this Ordinance is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Each lot shall have a minimum area of six (6) acres
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards
 - 1. When the SP-9 Zone fronts, sides or rears on a street there shall be a yard abutting the street of not less than fifty (50) feet. Said required yard shall be landscaped and maintained.
 - 2. No structure or game area shall be located within fifty (50) feet of any property abutting residential-zoned property
 - 3. Swimming pools, game area or structures shall not be permitted in any of the required yards.
- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet except as otherwise permitted by a conditional use permit.

August 29, 1972

- E. Distance between buildings - With the exception of utility structures serving permitted buildings and/or structures, the minimum distance between buildings shall be not less than twenty-five (25) feet.
- F. Fences, hedges and walls - A solid masonry wall, fence or hedge shall be placed on the lot line where the SP-9 Zone abuts residential-zoned property. Said wall, fence or hedge shall not be located within twenty-five (25) feet of any property line abutting a street.
- G. Signs - Identification signs for each street frontage shall be allowed in the required yards so long as such sign does not exceed ten (10) square feet in area.
- H. Access - Access to off-street parking facilities and service-type driveways shall be from a dedicated street or highway.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 90 - SP-10 ZONE (REGIONAL RECREATION)

SECTION 90.001 - INTENT

This zone is intended to provide for recreational facilities that serve on a regional basis and may include certain commercial activities.

SECTION 90.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

- Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
- Amusement parks
- Archery
- Athletic fields
- Boat house for pleasure craft
- Bowling alley
- Campgrounds
- Church
- Commercial or private moorage
- Condominium
- Dock
- Dude ranches
- Dwelling for owners, operators or employees required to perform work in conjunction with permitted uses
- Exhibit halls
- Fairgrounds
- Fire station
- Flight strips and helistops
- Food stores
- Golf course
- Golf driving range
- Governmental buildings and facilities
- Hospitals
- Hunting and fishing preserves
- Ice skating
- Lawn and court games

August 29, 1972

Library
Marina, including the sale, display and repair of
marine pleasure craft and supplies
Microwave radio or television stations and/or
transmitting towers
Monorail
Museum
Overnight trailer parks
Picnic areas
Pitch and putt
Post office
Public service utilities
Public and private parking
Reservoirs
Restaurant
Riding academies
Riding and hiking trails
Roller skating
Sailing
Shopping centers
Ski lifts, tows, runs and warming huts and
incidental cafe facilities
Snowmobiling
Stadiums
Swimming pool
Theater, excluding drive-in
Trails for vehicles
Water skiing
Zoos

SECTION 90.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE
PERMIT

The following uses may be permitted subject to a conditional
use permit as provided for in Section 114.001:

Go-cart race track
Public garbage dump
Public sanitary land-fill
Race track, automobile
Sewage treatment plant
Skeet and trapshooting

August 29, 1972

SECTION 90.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agriculture, industrial, residential and commercial
except as otherwise provided for herein

SECTION 90.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - Each lot shall have a minimum area of thirty-five (35) acres
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards - No provisions
- D. Building heights - No building or structure shall have a height greater than fifty (50) feet, except as otherwise allowed by conditional use permit.
- E. Distance between buildings - No provisions
- F. Fences, hedges and walls - No provisions
- G. Signs - Identification signs for each street frontage shall be allowed so long as such sign does not exceed fifty (50) square feet in area.
- H. Access - Access to off-street parking facilities and service-type driveway shall be from a dedicated street or highway.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 91 - SP-11 ZONE (MARINA)

SECTION 91.001 - INTENT

This zone is intended to provide for the development and maintenance of marina facilities.

SECTION 91.002 - PRINCIPAL USES

Buildings, structures and land shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

- Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
- Boat building, sales and service
- Boathouse for pleasure craft
- Camping and picnicking
- Caretaker's residence
- Commercial or private moorage
- Clubhouse
- Dock
- Food stores
- Marina, including the sale, display and repair of marine pleasure craft and supplies
- Private and public parking area
- Public utilities facilities
- Restaurant
- Slip
- Wharf
- Yacht club

SECTION 91.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

- Microwave, radio and/or television transmitting towers
- Motel
- Condominium

August 29, 1972

SECTION 91.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agriculture, industrial, residential and commercial
except as otherwise provided for herein

SECTION 91.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimension, may be used subject to all other standards:

- A. Lot area - No provisions
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards
 - 1. When the SP-11 Zone fronts, sides or rears on a street there shall be a yard abutting the street of not less than twenty-five (25) feet. Said required yard shall be landscaped and maintained.
- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet, except as otherwise allowed by conditional use permit.
- E. Distance between buildings - No provisions
- F. Fences, hedges and walls - A solid masonry wall and/or fence or hedge shall be placed on the lot line where the SP-11 Zone abuts residential-zoned property. Said wall, fence or hedge shall not be located within twenty-five (25) feet of any property

August 29, 1972

line abutting a street.

- G. Signs - Identification signs for each street frontage shall be allowed so long as such sign does not exceed two hundred (200) square feet in area.
- H. Access - Access to off-street parking facilities and service-type driveway shall be from a dedicated street or highway.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 92 - SP-12 (QUARRY)

SECTION 92.001 - INTENT

This zone is intended to permit the extraction of rock, sand, gravel, decomposed granite and clay and the like from natural deposits.

SECTION 92.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the operation of a quarry or a permitted use.

Mining, quarry, excavating, processing, removing and stockpiling of rock, sand, gravel, decomposed granite and clay and similar materials

Mixing plants

Quarry

Rock crushing plants and aggregate dryers

Scales and weighing equipment

Shops for the servicing and repairing of equipment utilized in the operation of a quarry

SECTION 92.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE

PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Structures in excess of one hundred fifty (150) feet in height

SECTION 92.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Agriculture, industrial, residential and commercial except as otherwise provided for herein

August 29, 1972

SECTION 92.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards - When the SP-12 Zone fronts, sides or rears on a street there shall be a yard abutting the street not less than one hundred (100) feet. Said required yard shall not be used for the storage of any materials or equipment; however, may be used for access.
- D. Building heights - No building or structure shall have a height greater than one hundred fifty (150) feet except as otherwise permitted by conditional use permit.
- E. Distance between buildings - No provisions
- F. Fences, hedges and walls - No provisions
- G. Signs - Identification signs for each street frontage shall be allowed so long as such signs do not exceed two hundred (200) square feet in area.
- H. Access - Access to off-street parking facilities and service-type driveway shall be from a dedicated street or highway.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 93 - SP-13 ZONE (PUBLIC FACILITIES)

SECTION 93.001 - INTENT

This zone is intended to provide for the placing of public facilities within close proximity to the various forms of residential land uses to facilitate the needs thereof.

SECTION 93.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required
in conjunction with the conduct of a permitted use
Branch post office
Church
Dwelling, one family for caretaker, operator and/or
employee required in conjunction with the
permitted use
Educational institutions including public and parochial
Library, public
Museum, public

SECTION 93.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE
PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Armory
Community buildings
Convalescent home
Fire station
Post office
Park
Police station
Public utility substation

August 29, 1972

Schools, business
Schools, vocational
Sewage pumping station
Water storage facilities

SECTION 93.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Residential, commercial, industrial and recreational
uses unless otherwise provided for herein

SECTION 93.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

- A. Lot area - No provisions
- B. Lot dimensions
 - 1. Width - No provisions
 - 2. Depth - No provisions
- C. Yards
 - 1. Where the SP-13 Zone fronts, sides or rears on a street there shall be a yard abutting the street of not less than one hundred (100) feet, except when across the street from a park the yard may be reduced to fifty (50) feet. Said required yards shall be landscaped and maintained.
 - 2. When the SP-13 Zone abuts a residential or agricultural zone there shall be a yard of not less than fifty (50) feet, except when such residential or agricultural land is used for a park the yard may be reduced to twenty-five

August 29, 1972

(25) feet. Said required yard may be used for parking, loading, access or storage of materials so long as such items do not exceed the height of the required wall.

- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - The minimum distance between the accessory and main building shall be not less than six (6) feet.

The minimum distance between accessory buildings shall be not less than six (6) feet, unless said buildings have a common or party wall.

- F. Fences, hedges and walls - Required: Fences, hedges and walls shall be erected as required in Section 106.001. A solid masonry wall, fence or hedge not less than five (5) feet nor more than six (6) feet shall be erected on the zone boundary line.

Permitted: Fences, hedges and retaining walls not greater than six (6) feet in height shall be permitted on or within all property lines not abutting a street and on or to the rear of all yards setback lines of yards abutting streets.

No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic and the provisions relative to "Corner Cutback Area" Section 103.001 shall apply.

- G. Signs - Identification signs indicating the name and nature of any occupancy and/or the name and address of the building shall be permitted, provided they are located on the subject property. Said signs shall not exceed ten (10) square feet in area.

Directional signs related to the location of facilities on the premises, provided they are located on the subject property; said signs shall not exceed four (4) square feet in area.

August 29, 1972

"For rent," "for sale," "vacancy" and similar signs provided they are posted on the subject lot or on a building thereon by the owner or his authorized agent. Said signs shall not exceed four (4) square feet in area and there shall not be more than one (1) such sign for each unit available.

Name plates, not exceeding one (1) square foot in area.

Signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways, and such signs shall be subject to the approval of the County Engineer.

Location, lighting and color of signs shall be such as to cause no confusion with public signs or traffic signals.

No blinking, flashing or animated signs visible from any street or highway shall be permitted.

Signs shall not exceed the height provisions of this zone and shall be so arranged to reflect the light away from the adjoining premises.

- H. Access - Vehicular access shall be provided from a dedicated street or alley. Vehicular access to lots fronting on major or secondary arterials shall be subject to the approval of the County Engineer.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 94 - SP-14 ZONE (PUBLIC FACILITIES)

SECTION 94.001 - INTENT

This zone is intended to provide for privately operated facilities which provide needed public service to the community on a local or regional basis.

SECTION 94.002 - PRINCIPAL USES

Buildings, structures and land shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use

- Cemetery
- Child care center
- Hospital
- Mausoleum
- Rest home
- Sanitarium

SECTION 94.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

All uses permitted in the SP-13 Zone

Crematorium
Sewage treatment plant

The following commercial uses when incidental to and directly related to a principal use:

- Coffee shop
- Florist
- Gift shop
- Law office
- Law library
- Notary public
- Pharmacy
- Restaurant

August 29, 1972

SECTION 94.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Residential, commercial, industrial and recreation uses unless otherwise provided for herein

SECTION 94.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this Ordinance which is substandard in area or dimensions, may be used subject to all other standards:

A. Lot area - No provisions

B. Lot dimensions

1. Width - No provisions

2. Depth - No provisions

C. Yards

1. When the SP-14 Zone fronts, sides or rears on a street there shall be a yard abutting the street of not less than one hundred (100) feet. Said required yards shall be landscaped and maintained.

2. When the SP-14 Zone abuts a residential or agricultural zone there shall be a yard of not less than one hundred (100) feet, except when such residential or agricultural land is used as a park the yard may be reduced to fifty (50) feet.

Said required yard may be used for parking, loading, access or storage of materials, so long as such stored items do not exceed the height of a required wall.

August 29, 1972

A solid masonry wall, fence or hedge not less than five (5) feet nor more than six (6) feet in height shall be erected on the zone boundary line as may be required at the time of review of the site plan.

- D. Building heights - No building or structure shall have a height greater than fifty (50) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - No provisions
- F. Fences, hedges and walls - Required: Fences, hedges and walls shall be erected as required in Section 94.006.

Permitted: Fences, hedges and retaining walls not greater than six (6) feet in height shall be permitted on or within all property lines not abutting a street and on or to the rear of all yard setback lines of yards abutting streets.

No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic and the provisions relative to "Corner Cutback Area" Section 103.003 shall apply.

- G. Signs - The provisions of Section 93.006, G., shall apply.
- H. Access - The provisions of Section 93.006, H., shall apply.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 95 - SP-15 ZONE (PUBLIC FACILITIES)

SECTION 95.001 - INTENT

This zone is intended to provide for the placing of governmental facilities in areas where such are needed to complement the particular needs of the surrounding land uses.

SECTION 95.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required
in conjunction with the conduct of a permitted use

Armory

Art center

Auditorium

City hall

Civic center

Community theater

Courthouse

Dwelling, one family for caretaker, operator and/or
employees required in conjunction with the
permitted use

Educational institution

Federal and state office buildings

Fire station

Jail

Library

Museum

Police station

Post office

Public parking lot when operated in conjunction with a
permitted use

Public parks

SECTION 95.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE
PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

August 29, 1972

All uses permitted in the SP-14 Zone
Church
Fairgrounds
Liquor, off-sale
Microwave radio or television station and/or
transmitting tower
Off-street parking facilities publicly operated
Parking lot, public and private
Professional office when located in conjunction with
governmental office buildings
Public utility facilities
Rodeos and carnivals

SECTION 95.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Residential, commercial, industrial and recreational
uses unless otherwise provided for herein

SECTION 95.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all
land and buildings except that any lot held under separate owner-
ship or of record on the effective date of this Ordinance which
is substandard in area or dimensions, may be used subject to
all other standards:

A. Lot area - No provisions

B. Lot dimensions

1. Width - No provisions

2. Depth - No provisions

C. Yards

1. When the SP-15 Zone fronts, sides or rears on
a street there shall be a yard abutting the
street of not less than fifty (50) feet. Said
required yards shall be maintained and land-
scaped.

August 29, 1972

2. When the SP-15 Zone abuts a residential or agricultural zone there shall be a yard of not less than one hundred (100) feet except when such residential or agricultural land is used as a park, the yard may be reduced to fifty (50) feet. Said required yard may be used for parking, loading, access or storage of materials so long as such items do not exceed the height of a required wall.

A solid masonry wall, fence or hedge not less than five (5) feet nor more than six (6) feet in height shall be erected on the zone boundary line.

- D. Building heights - No building or structure shall have a height greater than thirty-five (35) feet unless otherwise permitted by a conditional use permit.
- E. Distance between buildings - No provisions
- F. Fences, hedges and walls - Required: Fences, hedges and walls shall be erected as required in Section 95.006, C.

Permitted: Fences, hedges and retaining walls not greater than six (6) feet in height shall be permitted on or within all property lines not abutting a street and on or to the rear of all yard setback lines of yards abutting streets.

No fence, hedge or walls shall be placed to create a visual obstruction to vehicular traffic and the provisions relative to "Corner Cutback Area" Section 103.003 shall apply.

- G. Signs - The provisions of Section 93.006, G., shall apply.

August 29, 1972

H. Access - Vehicular access shall be provided from a dedicated street or alley. Vehicular access to lots fronting on major or secondary arterials shall be subject to the approval of the County Engineer.

I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

ARTICLE 96 - SP-16 ZONE (PLANNED UNIT DEVELOPMENT)

SECTION 96.001 - INTENT

The purpose of the Planned Unit Development Zone is to provide a means of achieving greater flexibility in development of land appropriate in size and shape to facilitate utilization in a manner not possible by conventional zones. The Planned Unit Development Zone is further intended to encourage more efficient uses of land, while still providing proper arrangement of uses and structures, as such may be related to the land, surrounding uses and zoning, and would insure the fulfillment of desired community needs relative to certain residential, commercial, industrial, recreational and other land uses. Through exercise of sound and proper planning principles, Planned Unit Development, incorporating appropriate property development standards, would in no way be detrimental to surrounding property or uses nor the public health, safety and welfare. All forms of Planned Unit Development shall be subject to the granting of a conditional use permit pursuant to the provisions of Section 96.003 (Uses Permitted Subject to a Conditional Use Permit), and may include mixed combinations of the various forms of residential, commercial, industrial, recreational uses and other forms of land uses.

SECTION 96.002 - PRINCIPAL USES

Buildings, structures, and land shall be used and structures shall hereafter be erected, altered or enlarged only for those uses specifically listed in the granting of a conditional use permit, as hereinafter provided for in Section 96.003.

SECTION 96.003 - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT

The following uses may be permitted in the Planned Unit Development Zone subject to a conditional use permit plus such other uses as the Board of County Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

August 29, 1972

Residential

Apartment hotels
Condominiums
Guest house
Mobile homes
Mobile home parks
Multiple family dwellings
Single family dwellings
Such other uses deemed by the Planning Commission
and/or Board of Commissioners to be appropriate

Commercial:

Administrative or professional office
Bank and financial institutions
Customer sales and service
Facilities for the consumption of food and beverages
Hospitals or medical facilities
Hotels, motels, motor hotels and the like
Retail stores or markets providing the convenient
needs of the neighborhood or community which
they are designed to serve
Sales and services providing the various forms
of governmental or utility services
Shops providing sales and service
Such other uses deemed by the Planning Commission
and/or Board of Commissioners to be appropriate

Industrial:

Those industrial uses deemed by the Planning
Commission and/or Board of Commissioners
to be appropriate

Recreational:

Those recreational uses deemed by the Planning
Commission and/or Board of Commissioners
to be appropriate

Condominiums:

Any combination of residential, commercial, or
industrial uses deemed appropriate by the
Planning Commission and/or Board of
Commissioners

August 29, 1972

Accessory:

Those uses deemed by the Planning Commission and/or Board of Commissioners to be related to those uses permitted

SECTION 96.004 - USES EXPRESSLY PROHIBITED

Any use not included in the granting of a conditional use permit shall be deemed as a use expressly prohibited unless additional uses are included pursuant to an amendment to the conditional use permit authorizing a Planned Unit Development.

SECTION 96.005 - PROPERTY DEVELOPMENT STANDARDS

Property development standards applicable to any Planned Unit Development regarding lot area, lot dimension including width and depth, yards including front, side, and rear, building heights, distance between buildings, fences, hedges and walls, signs, lighting, access, off-street parking, vehicular and pedestrian circulation, open spaces, grading and drainage, sanitation, public utilities and such other matters pertinent to the development, shall be determined by the Planning Commission and/or Board of County Commissioners at the time of review of plans denoting the proposed Planned Unit Development.

The property development standards denoted in the various zones defined in this Ordinance may be used as guidelines for the determining of appropriate property development standards.

Property development standards imposed in conjunction with Planned Unit Development shall in no way be contrary to applicable federal, state or county laws, and shall not be inconsistent with any plans enacted pursuant to applicable authority by the legislative body, nor shall such property development standards be in deviation from sound planning principles and not detrimental to the public health, safety and welfare.

Any variances from such property development standards incorporated at the time of approval of the plans representing the proposed development, shall be pursuant to the provisions of Section 113.001 (Variances).

Each proposed Planned Unit Development shall contain a minimum area of five (5) acres.

August 29, 1972

ARTICLE 97 - SP-17 ZONE (FEEDLOT)

SECTION 97.001 - INTENT

This zone is intended to provide for the orderly development of the livestock feeding industry in Klamath County by protecting the natural, desirable feedlot sites. A feedlot is to be considered an agricultural enterprise which may over-lay the appropriate agricultural zone. This zone is intended to provide for a feeding operation involving in excess of 3500 head of cattle or equivalent livestock.

SECTION 97.002 - PRINCIPAL USES

Buildings, structures and lands shall be used and structures shall hereafter be erected, altered or enlarged only for the following uses, plus such other uses as the Board of Commissioners, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use
Dwellings, one family and multiple, for owners, operators and/or employees required to perform work in conjunction with permitted uses

Feedlot

Feed mills and storage facilities

Veterinarian clinic

Flight strip

Settling ponds and solid waste disposal facilities

Pasture, grazing and farming

Quarries, non-commercial

Rendering plants

Shops for the service and repair of equipment utilized in the operation of the feedlot

Stockyard

Livestock auction and sales yard

SECTION 97.003 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses may be permitted subject to a conditional use permit as provided for in Section 114.001:

Public utility facilities

August 29, 1972

SECTION 97.004 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited:

Residential, commercial, industrial and recreational
unless otherwise provided for herein

SECTION 97.005 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all
land and buildings:

- A. Lot area - No provisions.
- B. Lot dimensions
 - 1. Width - No provisions.
 - 2. Depth - No provisions.
- C. Yards - No provisions.
- D. Building heights - No provisions.
- E. Distance between buildings - No stable, barn, pen or corral shall be located within fifty (50) feet of any dwelling or other building used for human habitation and no accessory dwelling shall be located closer than ten (10) feet to any other structure used for human habitation.
- F. Fences, hedges and wall - The "Fences, hedges and walls" provisions contained in Section 31.006, F., shall apply.
- G. Signs - No sign shall be placed to create a visual obstruction to vehicular traffic.
- H. Access - Access to property fronting upon a County or State highway shall be subject to the approval of the Director of Public Works.
- I. Off-street parking - Off-street parking shall be provided in accordance with the provisions of Section 109.001.

August 29, 1972

C H A P T E R 10

**ARTICLE 100 - GENERAL PROVISIONS - PROPERTY DEVELOPMENT
STANDARDS**

SECTION 100.001 - INTENT

The following provisions are in addition to the property development standards denoted in the various zones.

August 29, 1972

ARTICLE 101 - LOT AREA

SECTION 101.001 - REQUIRED LOT AREA

The required area of a lot or parcel of land shall not be less than the area indicated in the various zones contained in this Ordinance, except as hereinafter provided.

SECTION 101.002 - PARCEL OF LAND DIVIDED BY BOUNDARY LINES

Where a lot or parcel of land, which would otherwise have been shown as one (1) lot, is divided into two (2) or more lots because of city or county boundaries, the required area shall mean the total area of the parcel of land.

SECTION 101.003 - EASEMENT

Where a lot or parcel of land subject to a street or highway easement or other public or private easement where the owner of the servient tenant does not have the right to use the entire surface area of the lot or parcel of land, such may be accepted as having the required area as indicated by the zone provided the required area for a lot or parcel of land is of the minimum lot size designated and the area covered by any such easement contains not more than ten percent (10%) of the required area.

SECTION 101.004 - INCREASED AREA REQUIRED

Where, in this Ordinance, a particular use is permitted only when established on a lot or parcel of land having an actual area greater than the area indicated as required for a particular zone, then such larger area requirements shall prevail for the lot or parcel upon which such use is located.

SECTION 101.005 - DECREASING REQUIRED LOT AREA

No person shall divide any lot or parcel of land and shall not convey any lot or parcel of land or any portion thereof, if, as a result of such conveyance the area of any lot or parcel of land so reduced, or a lot or parcel of land so created is in violation of the requirements of the zone in which it is located.

August 29, 1972

SECTION 101.006 - RESCISSION OF AGREEMENTS CONTRARY TO LOT
AREA REQUIREMENTS

Any deed, conveyance of sale, or contract of sale made contrary to the provisions of this Ordinance with regard to lot area, is voidable at the sole option of the grantee, buyer, or person contracting to purchase or his heirs, personal representative or trustee in insolvency or bankruptcy.

SECTION 101.007 - REQUIRED LOT AREA REDUCED BY PUBLIC USE

Where a lot or parcel of land has not less than the required area and after creation of such lot or parcel of land a part thereof is acquired for a public use other than for street or highway purposes, in any manner including dedication, condemnation or purchase, and if the remainder of such lot or parcel of land has not less than eighty percent (80%) of the required area, such remainder shall be considered as having the required area.

SECTION 101.008 - REQUIRED LOT AREA REDUCED FOR STREET OR
HIGHWAY PURPOSES

Where a lot or parcel of land has not less than the required area, and after the creation of such lot or parcel of land, a part thereof is required for street or highway purposes exclusively, in any manner including dedication, condemnation, or purchase, and if the remainder of such lot or parcel of land has not less than seventy-five percent (75%) of the required area, then such remainder shall be considered as having the required area.

August 29, 1972

ARTICLE 102- LOT WIDTH

SECTION 102.001 - REQUIRED LOT WIDTH

The required width of a lot or parcel of land shall not be less than the width indicated in this Ordinance except as hereafter provided.

SECTION 102.002 - IDENTIFICATION OR DESIGNATION OF LOT LINES
IN DOUBT

Where the identification or designation of the front, side or rear lot line is in doubt, as in the following situation, the Planning Commission shall determine the identity or designation of lot lines:

- A. Corner lots or parcels of land with two (2) streets and/or highway frontages approximately equal in length.
- B. Through lots or parcels of land fronting on two (2) or more streets and/or highways.
- C. Lots or parcels of land where the only contiguous boundary to a public street or highway is provided by a driveway or other private access, or where said lots or parcels of land have a street or highway frontage of less than thirty-five (35) feet.

SECTION 102.003 - REQUIRED LOT WIDTH REDUCED BY PUBLIC USE

If a lot or parcel of land has not less than the required width and after creation of such lot or parcel of land a portion of its width is acquired for public use in any manner including, but not limited to, dedication, condemnation, or purchase, and if the remainder of such lot or parcel of land has not less than seventy percent (70%) of the required width, but in no event less than thirty-five (35) feet, such remainder shall be considered as having the required width.

SECTION 102.004 - CREATION OF A PARCEL HAVING LESS THAN THE
REQUIRED LOT WIDTH

No person shall divide any lot or parcel of land, and shall not convey any lot or parcel of land or any portion thereof if, as a result of such conveyance the width of any lot or parcel of

August 29, 1972

land so reduced or a lot or parcel of land so created, is in violation of the required lot width of the zone in which the property is located.

SECTION 102.005 - RESCISSION OF AGREEMENTS CONTRARY TO LOT WIDTH PROVISIONS

Any deed of conveyance, sale or contract of sale made contrary to the provisions of this Ordinance with regard to lot width is voidable at the sole option of the grantee, buyer or person contracting to purchase or his heirs, personal representative or trustee in insolvency or bankruptcy.

SECTION 102.006 - CONTIGUOUS NARROW LOTS

Where prior to an area being zoned RD 5,000, RD 6,000 or RD 7,000, lots exist not less than one hundred (100) feet in depth, but less than fifty (50) feet in width, if two (2) or more such contiguous lots, or one (1) or more contiguous lots and one (1) or more lots also contiguous thereto which have a depth of not less than one hundred (100) feet, have a total frontage of not less than fifty (50) feet, such lots may be treated and considered as one parcel of land.

ARTICLE 103 - YARDS

SECTION 103.001 - REQUIRED YARDS

Except as otherwise provided hereafter, required yards shall be not less than the dimensions designated in the various zones in this Ordinance.

SECTION 103.002 - SPECIAL FRONT YARD REQUIREMENTS

In the case of a key lot or lots on sloping terrain, the following standards shall prevail:

- A. Key lots - The depth of the required front yards of key lots or parcels of land shall not be less than the average depth of the required front yards of the adjoining interior lot or parcel of land and the required side yards of the adjoining reversed corner lot or parcel of land.
- B. Lots on sloping terrain - The required front yard of a lot or parcel of land need not exceed fifty percent (50%) of the depth required in any zone in which the property is located when either of the following conditions are found to exist:
 1. Where the difference in elevation between the curb level and natural ground at a point fifty (50) feet from the front property line measured midway between the side lot lines is ten (10) feet or more; or
 2. Where a slope exists of twenty percent (20%) or more from the front property line to a point on natural ground fifty (50) feet from said front property line measured midway between the side lot lines.

SECTION 103.003 - CORNER CUTBACK AREAS

In the case of a corner cutback area, the following provisions shall apply:

- A. The corner cutback area is a reserved open space to insure adequate and safe visibility for vehicular

August 29, 1972

and pedestrian traffic at all intersections of streets, alleys and/or private driveways and shall be maintained in the following manner:

1. The corner cutback area shall be kept free of all buildings and structures including solid fencing and landscaping which would constitute a visual obstruction.
2. No landscaping and/or structures permitted within the required corner cutback area shall exceed two (2) feet in height measured from the top of the curb or where no curb exists, from the established street centerline grade except that trees exceeding this height may be located in the corner cutback area provided all branches and foliage are removed to a height of six (6) feet above grade.
3. The corner cutback area shall be designed as a horizontal plane making an angle forty-five degrees (45°) to the side, front or rear property line, as the case may be. Such line shall pass through the closest intersection of yard setback lines at the corner of the lot where visibility is required.

August 29, 1972

ARTICLE 104 - BUILDING HEIGHTS

SECTION 104.001 - HEIGHT LIMITATION

Except as otherwise provided hereafter, building heights shall not exceed the height limitations designated in the various zones in this Ordinance except as follows:

SECTION 104.002 - SPECIAL BUILDING HEIGHT EXCEPTIONS

- A. Method of Measurement of Building Height on Sloping Terrain - In any zone where a building is erected on sloping terrain, the height of the building shall be measured from the highest adjoining ground surface level at the base of the building. The building may not exceed the height limit prescribed in the zone nor contain more than the permitted number of stories measured from such point of the building.
- B. Structure Permitted Above Height Limitation - Pent-houses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, church steeples, flag poles, chimneys, smoke stacks, water tanks, silos, grain elevators, wireless masts, transmitting towers or similar structures may be erected above the height limitation herein prescribed as provided in Article 113 - Variance or Article 114 - Conditional Use Permit provided that the same shall be safely erected and maintained at such height in view of surrounding conditions and circumstances. No buildings or roof structure or any space above the building height limitation shall be allowed for the purpose of providing additional living or floor space.

August 29, 1972

ARTICLE 105 - DISTANCE BETWEEN BUILDINGS

(Reserved)

August 29, 1972

ARTICLE 106 - FENCES, HEDGES AND WALLS

SECTION 106.001 - REQUIRED AND PERMITTED FENCES

Except as otherwise provided hereafter, permitted or required fences shall not exceed the height limitation designation in the various zones in this Ordinance except as follows:

SECTION 106.002 - SECURITY FENCING

Security Fencing - Security fencing consisting of chain link fencing or similar material shall be permitted at a height in excess of height limitation provided in the various zones with the following exceptions:

1. Security fencing shall not exceed height limitation for fences when located in the required front yard;
2. Security fencing shall not be constructed of materials to form a solid barrier

SECTION 106.003 - FENCING ENCLOSING GAME OR PLAY AREAS

Fences enclosing game or play areas constructed of chain link fencing or the like, may be permitted at a height in excess of the limitations provided in the various zones conditional to the following:

1. Fencing shall not exceed height limitation when located in the required front yard;
2. Fencing shall not be constructed of materials to form a solid barrier

SECTION 106.004 - FENCING ENCLOSING SCHOOL GROUNDS

Fences enclosing school grounds constructed of chain link fencing or similar materials may be erected at a height in excess of the limitations provided in the various zones.

ARTICLE 107 - SIGNS

SECTION 107.001 - PERMITTED SIGNS

No person shall place, erect, construct or otherwise maintain any signs which are not in compliance with the provisions contained in this Ordinance or any other applicable ordinance or statute and except when otherwise indicated in this Ordinance, no outdoor advertising signs or appurtenant structures shall be erected without first securing all necessary permits or licenses.

SECTION 107.002 - SAFETY

No signs or advertising structures shall be permitted that endanger the safety of any person or vehicle as determined by the County Engineer.

SECTION 107.003 - NON-CONFORMING SIGNS

Any sign or advertising structures which shall become classified as non-conforming, shall be altered to conform to the new regulations or shall be required to be amortized and removed within five (5) years.

SECTION 107.004 - MAINTENANCE

All signs and advertising structures shall be maintained in a neat and orderly condition.

SECTION 107.005 - SIGNS AND YARDS

Permitted temporary signs may be placed within any required yard provided said signs are not located nearer to any property lines than one-half the required yard depth for a main building in the zone, but in no event nearer than five (5) feet to any property line.

SECTION 107.006 - DOUBLE FACE SIGNS

Signs may be constructed with two faces and either or both faces may be used.

Signs constructed with two faces where the distance of one face of such sign is more than twelve (12) feet from the second face of said sign shall not be classified as a double face sign.

The face area of a double face sign shall be designated by the area of the larger face.

SECTION 107.007 - ILLUMINATION

Illuminated signs shall be located and the light source shielded in such a manner to prevent glare and annoyance to the public.

SECTION 107.008 - MEASUREMENT

The area of any sign shall be determined as that enclosed by a line delineation, the shortest exterior perimeter of said sign. Signs placed in a manner or bearing a text, as to require dependence upon more than one sign to convey the meaning or intent shall be considered one sign for purpose of measurement. Projecting, free standing signs and the like, only one (1) face shall be counted in computing sign area.

SECTION 107.009 - TEMPORARY SIGNS

Temporary accessory signs not more than twenty (20) square feet in area which denote the architect, engineer, owner and contractor, may be placed upon the site of any building or structure under construction, alteration or in the process of being relocated. Said sign shall be removed from the premises upon the completion of construction, alteration or relocation of the structure.

SECTION 107.010 - EXCLUDED SIGNS

The provisions of this Ordinance pertaining to signs shall not apply to the following signs unless otherwise indicated herein:

1. Official notices issued by any court, public body or public officer;
2. Notices posted for any public officer in performance of a public duty or for any person in giving legal notice;
3. Traffic, directional, warning, informational signs, or advertising structures requested or authorized by the public authority having jurisdiction;
4. Official signs used for emergency purposes only; and
5. Permanent memorial or historical signs, plaques or markers.

ARTICLE 108 - ACCESS

(Reserved)

August 29, 1972

ARTICLE 109 - OFF-STREET PARKING AND LOADING

SECTION 109.001 - OFF-STREET PARKING AND LOADING REQUIREMENTS

At the time of the erection of any building and/or structure hereinafter listed, or at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area or seats, or at such time a higher usage is applied, there shall be provided for such new construction or intensified use, enlargement or increased capacity and use of land, the following minimum off-street parking spaces and loading areas with adequate provisions for safe ingress and egress. Said parking spaces and loading areas shall hereafter be maintained in connection with such building or structure and use of land.

SECTION 109.002 - REDUCTION OF OFF-STREET PARKING SPACES AND LOADING FACILITIES

No parking or loading area or parking spaces provided for the purpose of complying with the provisions of this Ordinance shall hereafter be eliminated, reduced or converted in any manner below the requirements established in this Ordinance, unless equivalent facilities are provided elsewhere in conformity with the provisions of this Article.

SECTION 109.003 - LOCATION OF PARKING AND LOADING FACILITIES

The location of off-street parking and loading facilities shall be in accordance with the following provisions:

- A. Residential uses - Required parking facilities for residential uses as provided herein shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible and located at a place where the erection of garage or carports is permitted.
- B. Uses other than residential - Required parking facilities for uses other than residential shall be located as follows:
 1. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve; or

2. On a lot or parcel of land held under joint ownership, provided such parking or loading facilities are located adjoining the use or uses served; or
 3. On a lot or parcel of land separated only by an alley from the lot or parcel of land on which the use or uses served are located, provided:
 - a. That said lots or parcels of land are in the same or joint ownership and separated only by an alley; or
 - b. That direct vehicular access between said lots or parcels of land would be possible in the event the alley is vacated; or
 - c. That such parking facilities are in close proximity to the actual uses or uses served.
- C. Loading facilities - Required loading facilities shall be located on the same lot or parcel of land as the uses served.

SECTION 109.004 - COMBINED PARKING OR LOADING FACILITIES

The required parking or loading facilities may be provided collectively for two (2) or more buildings or uses located on separate lots or parcels of land, provided that the total number of parking spaces and related facilities does not equal less than the combined requirements of the individual uses.

SECTION 109.005 - REQUIRED PARKING SPACES

The following minimum off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this Ordinance:

- Auditorium, gymnasium, sports arena, stadium, theaters, and similar places of public assembly - One for each three fixed seats and one for each 21 square feet of seating area not containing fixed seats, plus one for each two employees
- Banks, business or professional offices, clothing shops, furniture and appliance stores, hardware stores, house equipment shops, shoe repair shops and similar uses - One for each 300 square feet of gross floor area

Bowling alley - Three for each bowling lane plus one for each employee

Caretaker's dwelling - Two for each dwelling

Chapels and mortuaries - One for each three fixed seats and one for each 21 square feet of seating area where there are no fixed seats within the main chapel, and one for each 400 square feet of floor area outside the main chapel.

Child care center or day nursery and similar uses - One for each two employees

Children's home - One for each two employees on the largest working shift

Churches - One for each six fixed seats or one for each 300 square feet of gross floor area, whichever amount is greater

Clubs, fraternity and sorority houses, rooming and boarding houses and similar structures having guest rooms - Two for each three guest rooms, except in the case of dormitories, one for each 100 square feet of floor area

Colleges and universities, schools, business, professional, special or trade schools - One for each five students which the school buildings and facilities are designed to accommodate

Dance halls - One for each twenty-one square feet of dance floor area and one for each three fixed seats and for every twenty-one square feet of seating area where there are no fixed seats

Dwellings - Two for each dwelling

Golf courses - Ten per hole and one for each twenty-one square feet of building floor area used for public assembly and one for each 400 square feet of building floor area used for other commercial purposes

Hospitals - One and one-half for each patient bed

Hotels - One for each two guest rooms, plus one for each employee

Lodges and meeting halls - One for each three fixed seats and one for each twenty-one square feet of seating area when there are no fixed seats

Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops and similar uses - One for each two employees on the maximum working shift or not less than one for each 500 square feet of gross floor area, whichever amount is greater

August 29, 1972

Medical, dental and professional office - One for each 150 feet of gross floor area

Mobile home parks - Two on each trailer site and in addition thereto, one for each two trailer sites for guest parking. Guest parking shall be conveniently located within the mobile home park

Motels and motor hotels - One for each guest room, plus one for the manager and each employee

Motor vehicle or machinery sales and automotive repair purposes or garages and wholesale activities - One for each 800 square feet of gross floor area or one for each two employees, whichever amount is the greater

Offices, business - One for each 250 square feet of gross floor area

Offices not providing customer services on the premises - One for each four employees or one for each 800 square feet of gross floor area, whichever amount is greater

Public utility facilities including, but not limited to, electrical, gas, water, telephone and telegraph facilities not having business offices on the premises - One for each two employees on the maximum working shift and one for each vehicle in connection with the use

Residential uses, one family dwellings, two family dwellings, and multiple family dwellings - Two per dwelling unit. For each room in a dwelling unit which is rented, one additional

Restaurant, cafe, night clubs, cocktail lounges, taverns and other similar places dispensing food or other refreshments - One for each three fixed seats and for each twenty-one square feet of seating area where there are no fixed seats, and one for each two employees on the maximum working shift

Rest homes - One for each resident

Retail stores - One for each 200 square feet of gross floor area, plus one for each employee

Schools, accredited general curriculum through the twelfth grade - Two per classroom and such additional parking as required herein for auditorium, gymnasium or similar places of public assembly

Service and personal service shops - One for each 300 square feet of gross floor area, plus one for each employee

August 29, 1972

Skating rinks, ice or roller - One for each three fixed seats and for each twenty-one square feet of seating area where there are no fixed seats, and one for each 250 square feet of floor area not used for seating

Swimming pool, commercial - One for each 1,000 feet of area on the lot or parcel of land on which said use is established and one for each two employees

Trade schools, business or private - One for each 500 fixed seats or one for each 100 square feet of floor area used for assembly and not containing fixed seats, whichever amount is greater, plus one for each employee

Warehouse and storage buildings - One for each employee and one for each vehicle used in connection with the use

SECTION 109.006 - PARKING SPACE AND AISLE DIMENSIONS

The minimum dimensions of required parking spaces shall be a width of not less than nine (9) feet and a length of twenty (20) feet.

Aisles reserved for the maneuvering of vehicles in conjunction with off-street parking facilities shall be in accordance with the following dimensions:

1. Parking spaces marked at angles from parallel to thirty degrees (30°) shall have a one-way aisle width of not less than fourteen (14) feet;
2. Parking spaces marked at angles from thirty-one degrees (31°) through forty-five degrees (45°) shall have a one-way aisle width of not less than sixteen (16) feet;
3. Parking spaces marked at angles from forty-six degrees (46°) through sixty degrees (60°) shall have a one-way aisle width of not less than eighteen (18) feet; and
4. Parking spaces marked at angles from sixty-one degrees (61°) through ninety degrees (90°) shall have a one-way aisle width of not less than twenty-five (25) feet.

August 29, 1972

SECTION 109.007 - DRIVEWAYS SERVING OTHER THAN RESIDENTIAL USES

Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic and a minimum width of twenty-five (25) feet to accommodate two-way traffic.

SECTION 109.008 - DRIVEWAYS SERVING RESIDENTIAL USES

Driveways serving residential uses shall have a minimum width of not less than nine (9) feet when serving four (4) or less dwelling units and a driveway width of not less than sixteen (16) feet when serving five (5) or more dwelling units or in lieu thereof, two (2) separate driveways not less than nine (9) feet in width and unobstructed to a height of eight (8) feet.

SECTION 109.009 - REQUIRED LOADING FACILITIES

The following provisions shall apply to all required loading facilities:

1. The minimum area required for loading spaces shall be not less than two hundred fifty (250) square feet where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.
2. The minimum area required for loading spaces shall be not less than five hundred (500) square feet where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.
3. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet where the gross floor area of all buildings

August 29, 1972

on a lot or parcel of land exceeds fifty thousand (50,000) square feet.

4. The minimum required loading area shall be not less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.

5. The required loading area shall be easily accessible from a street, highway or area.

August 29, 1972

ARTICLE 110 - LANDSCAPING

SECTION 110.001 - PROVISIONS

In all areas subject to landscaping as required in this Ordinance, the landscaping shall be developed in accordance with the following provisions:

Maintenance - Required landscaped areas and landscaping shall be maintained in a neat, clean and aesthetic condition.

August 29, 1972

C H A P T E R 11

ARTICLE 111 - ZONING ORDINANCE AMENDMENT

SECTION 111.001 - INTENT

Any amendment to the text of the Zoning Ordinance which imposes any regulations not theretofore imposed or removes or modifies any regulations theretofore imposed shall be in accordance with this Article.

SECTION 111.002 - PROCEDURE

In the processing of a zoning ordinance amendment, the following procedures shall be followed:

1. **Initiation** - The Planning Commission or Board of Commissioners may initiate proceedings to amend the Zoning Ordinance by a written motion and then conduct public hearings thereon as hereinafter provided, providing that if said Board initiates said amendment it shall first refer said amendment to the Planning Commission for hearing. Said referral shall be in writing stating the text of the amendment and the Planning Commission shall hold a hearing on said referred amendment within a period of sixty (60) days from the date of receipt of said notice.

In the event a decision on said amendment by the Planning Commission is not made within sixty (60) days of the date of receipt of said referred amendment, the Board of Commissioners may proceed to hold public hearings thereon as hereinafter provided.

Any citizen may file a request for an amendment on forms provided by the Planning Department. A public hearing shall be set as provided in Section 111.002, 2. 2 /

2. **Public hearing Date** - When the Planning Commission initiates proceedings for a zoning ordinance amendment, it shall so notify the Planning Director who shall within ten (10) days from delivery of such notice, set a date for public hearing which date shall not be less than fifteen (15), nor more than thirty (30) days after receipt of such notice. 1 /

3. **Notice of hearing** - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other date pertinent to the proposed amendment:

Media - Notice shall be published in a newspaper of general circulation in the County on two (2) consecutive dates not less than five (5) days before the date set for hearing. 1 /

4. Public hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested zoning ordinance amendment at a time and place designated on the notice of public hearing and after consideration of all pertinent information, announce its recommendation at a regular or adjourned regular meeting.
5. Recommendation of the Planning Commission - The Planning Commission may approve or disapprove a proposed amendment to the Zoning Ordinance and if the recommendation of the Planning Commission is to amend the proposed Ordinance, such action shall require the affirmative vote of not less than two-thirds of the Planning Commission. The recommendations of the Planning Commission shall be filed with the Board of Commissioners within five (5) days.
6. Public hearing date - Upon receipt of the recommendation of the Planning Commission, the County Clerk shall set a date for public hearing before the Board of Commissioners as prescribed in paragraph (2).
7. Notice of hearing - Notice of public hearing before the Board of Commissioners shall be given in the manner prescribed in paragraph (3).
8. Decision of the Board of Commissioners - Upon receipt of the recommendation and after the public hearing, the Board of Commissioners may sustain, reverse or modify the recommendation of the Planning Commission, whereupon, if the Board of Commissioners' action is to authorize a zoning ordinance amendment, such action shall be confirmed by ordinance.
9. Appeal - Appeals from decisions of the Board shall be to Circuit Court.

August 29, 1972

ARTICLE 112 - CHANGE OF ZONE

SECTION 112.001 - INTENT

The Board of Commissioners, before it may grant a change of zone, shall determine such change of zone will not be contrary to the intent of the Zoning Ordinance nor in deviation to any land use plans and/or street and highway plans.

The Board of Commissioners, before it may grant a change of zone, shall determine:

1. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning;
2. The property affected by the proposed change of zone is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;
3. The proposed change of zone will have no adverse effect on any property or the permitted uses thereof, within a seven hundred (700) foot radius excluding highways and rights-of-way; and
4. That the proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

SECTION 112.002 - PROCEDURE

In the processing of change of zone, the following procedures shall be followed:

1. Initiation - An application for a change of zone shall be initiated by the deed holder of the property upon which the change of zone is sought or by the authorized representative of the deed holder. Authorization shall be in writing and filed with the application with the Planning Department. The Planning Commission may initiate a zone change by resolution with the property deed holder's written consent to correct errors in original zoning maps.

1 /

August 29, 1972

230

*Amended Article No 112
In the original Book*

1 / Amended May 24, 1973

2. Filing - An application for a change of zone shall be filed on forms provided by the Planning Department and shall set forth in detail all information requested thereon.
3. Ownership List - The ownership list shall consist of the names and addresses of all deed holders of property situated within two hundred fifty (250) feet of the external boundaries of the property affected by the application as such names and addresses are shown on the last preceding tax roll of the Klamath County Assessor. 1 /
4. Filing fee - Application for a change of zone with the requested information attached thereto shall be accompanied by a filing fee of \$50.00 to defray costs incidental to the proceedings.
5. Improper application - If it is determined the application does not provide desired information nor have attached thereto other pertinent data requested, the application and filing fee shall not be accepted.
6. Public Hearing Date - Upon receipt of a valid application, the Planning Director shall, within ten (10) days from the date of receipt thereof, set a date for public hearing before the Planning Commission which date shall be not less than fifteen (15), nor more than thirty (30) days after filing of the application or if no regular meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the Commission. 1 /
7. Notice of hearing - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other data pertinent to the requested change of zone:

August 29, 1972

231

1 / Amended May 24, 1973

- a. Media - Notice shall be published in a newspaper of general circulation in the County on two (2) consecutive dates not less than five (5) days before the date set for hearing.
 - b. Mailing - Notice shall be mailed to all owners of property within two hundred fifty (250) feet of the external boundaries of the property affected by the requested change of zone not less than five (5) days before the date set for hearing. 1 /
8. Public Hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested change of zone at the time and place designated on the notice of public hearing, and after consideration of all pertinent information, announce its recommendation at a regular, or adjourned regular meeting.
 9. Recommendation of the Planning Commission - The recommendations of the Planning Commission shall be to approve, conditionally approve, or disapprove the requested change of zone and shall incorporate findings in support of such recommendations. 1 /

The recommendations of the Planning Commission shall, within five (5) days, be filed with the Board of Commissioners and a copy thereof mailed to the applicant at the address shown on the application.

The Planning Commission in approving or conditionally approving a change of zone, may set forth in its recommendations, reasonable conditions which will insure the intent and purpose of the Zoning Ordinance and avoid creation of detrimental effect upon abutting properties.

August 29, 1972

1 / Amended May 24, 1973

10. Public hearing date - Upon receipt of the recommendation from the Planning Commission, the County Clerk shall set a date for public hearing before the Board of Commissioners as prescribed in paragraph 6.
11. Notice of hearing - Notice of public hearing before the Board shall be given in the manner prescribed in paragraph 7.
12. Public hearing by Board - The Board shall conduct a public hearing on the requested change of zone and the recommendations of the Planning Commission related thereto and shall hear all pertinent evidence or testimony pertaining to the proposed change of zone.

The Board, at the conclusion of the public hearing or within thirty-five (35) days thereof, shall render a decision.

13. Decision of the Board - The decision rendered by the Board shall sustain, reverse or modify the recommendations of the Planning Commission.

If the Board's action is to authorize or conditionally authorize a change of zone, such action shall be confirmed by ordinance.

14. Appeal - Appeals from decision of the Board shall be to Circuit Court.
15. Limitation - No request for a zone change shall be considered by the Planning Commission on the same property or substantially the same property within one (1) year period immediately following a previous denial of such request except the Planning Commission may consent to a new hearing if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

August 29, 1972

ARTICLE 113 - VARIANCE

SECTION 113.001 - INTENT

The Planning Commission may authorize variance from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this Ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the property is 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 otherwise achieve the purposes of this Ordinance.

A variance may be granted only in the event that all of the following circumstances exist:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;
2. A variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which right is possessed by other property owners under like conditions in the same vicinity and zone.
3. The granting of the requested variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of this Ordinance; and
4. The variance requested is the minimum variance from the provisions and standards of this regulation which will alleviate the hardship.

SECTION 113.002 - PROCEDURE

In the processing of a variance, the following procedures shall be followed:

August 29, 1972

1. Initiation - A request for a variance shall be initiated by a property owner or his authorized agent by filing an application with the Planning Department. The authorization of said agent shall be in writing and acknowledged in the manner provided by law for the acknowledgment of deeds and filed with the application. 2 /

2. Application - An Application for a variance shall be filed on forms provided by the Planning Department and shall set forth in detail all information requested thereon.

3. Ownership List - The ownership list shall consist of the names and addresses of all deed holders of property situated within two hundred fifty (250) feet of the external boundaries of the property affected by the application as such names and addresses are shown on the last preceding tax roll of the Klamath County Assessor. 1 /

4. Filing fee - Application for a variance with the requested information attached thereto shall be accompanied by a filing fee of fifteen and no/100th dollars (\$15.00) to defray the costs incidental to the proceedings.

5. Improper application - If it is determined the application does not provide desired information nor have attached thereto other pertinent data requested, the application and filing fee shall not be accepted.

6. Public hearing date - Upon receipt of a valid application, the Planning Director shall, within ten (10) days from the date of receipt thereof, set a date for public hearing, which date shall be not less than fifteen (15) nor more than thirty (30) days after filing of the application or if no regular Planning Commission meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the Planning Commission. 1 /

7. Notice of hearing - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other data pertinent to the requested variance:

a. Media - Notice shall be published in a newspaper of general circulation in the County on two (2) successive dates not less than five (5) days before the date set for hearing.

August 29, 1972

235

1 / Amended May 24, 1973

2 / Amended November 27, 1973

- b. Mailing - Notice shall be mailed to all owners of property within two hundred fifty (250) feet of the external boundaries of the property affected by requested variances not less than (5) days before the date set for hearing. 1/
8. Public Hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested variance at the time and place designated on the notice of public hearing and after consideration of all pertinent information, shall at that time or within thirty-five (35) days thereof, announce its decision at a regular or an adjourned regular meeting.
9. Decision of the Planning Commission - The decision of the Planning Commission shall be to approve, conditionally approve or disapprove the requested variance by a simple majority vote and shall incorporate findings in support of such decision. 1/

The decision shall, within five (5) days be filed with the Board of County Commissioners and a copy thereof mailed to the applicant at the address shown on the application.

The Commission, in approving or conditionally approving a variance, may set forth in its decision, reasonable conditions which will insure against the creation of detrimental effect upon abutting properties. The decision of the Planning Commission may also have incorporated therein a reasonable time limit within which the granted variance and the conditions of approval shall have been complied with. If such have not been complied with within the prescribed time limit, such variance shall be deemed null and void.

10. Appeal from the decision of the Planning Commission - The decision of the Planning Commission shall be final unless the applicant should be dissatisfied with such, whereupon he may appeal the decision to the Board of County Commissioners in writing within fifteen (15) days from the date of mailing of the decision. An appeal from the decision of the Planning Commission may also be filed by an interested party owning property within seven hundred (700) feet of the external boundaries

August 29, 1972

of the property affected by the requested variance within the prescribed time limit if such property owner is dissatisfied with the decision.

11. Public hearing date - Upon receipt of an appeal from the decision of the Planning Commission, the County Clerk shall set a date for public hearing before the Board of County Commissioners as prescribed in paragraph 6.
12. Notice of hearing - Notice of public hearing before the Board of County Commissioners shall be given in the manner prescribed in paragraph 7.
13. Public hearing by Board of County Commissioners - The Board of County Commissioners shall conduct a public hearing on the appeal from the decision of the Planning Commission at the time and place designated on the notice of public hearing and shall review the decision of the Planning Commission and all pertinent evidence or testimony related to the requested variance. The Commissioners, at the conclusion of the public hearing or within thirty-five (35) days thereof, shall render a decision upon the appeal. 1 /
14. Decision of the Board of County Commissioners - The decision rendered by the Board of County Commissioners shall sustain, reverse or modify the decision of the Planning Commission and, by resolution, the Board of County Commissioners shall set forth its findings. The findings of the Board of County Commissioners shall be mailed to the applicant, within five (5) days from the date of decision.
15. Voiding of a variance - The Planning Commission or the Board of Commissioners with or without recommendation from the Planning Commission, may, without public hearing, void any variance previously granted for non-compliance with the conditions set forth in the granting of a variance. Written notice of the intentions of the Planning Commission or Board of County Commissioners to void a variance shall be mailed to the applicant not less than five (5) days before formal action to void a variance.

August 29, 1972

16. Prior variance - Any variance granted pursuant to a zoning ordinance enacted prior to the effective date of an ordinance establishing these proceedings shall be construed to be a variance in full effect unless otherwise voided pursuant to paragraph 15.
17. Limitation -- No request for a variance 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 consent to a new hearing, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

August 29, 1972

ARTICLE 114 - CONDITIONAL USE PERMIT

SECTION 114.001 - INTENT

A conditional use permit to allow uses listed in the various zones subject to a conditional use permit may be granted by the Planning Commission only pursuant to Article 114 of this Ordinance or as such may be amended.

The Planning Commission, before it may grant a conditional use permit, shall determine:

1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required to adjust said use with land and uses in the neighborhood.
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. The proposed use will have no adverse effect on abutting property or the permitted use thereof.
4. The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

SECTION 114.002 - PROCEDURE

In the processing of a conditional use permit, the following procedures shall be followed:

1. Initiation - An application for a conditional use permit shall be initiated by the owner of the property for which the conditional use permit is sought or by the representative of the owner. The authorization of said agent shall be in writing and acknowledged in the manner provided by law for the acknowledgment of deeds and filed with the application.
2. Filing - An application for a conditional use permit shall be filed on forms provided by the Planning Department and shall set forth in detail all the information requested thereon. 1/

August 29, 1972

239

1 / Amended November 27, 1973

3. Ownership list - The ownership list shall consist of the names and addresses of all deed holders of property situated within two hundred fifty (250) feet of the external boundaries of the property affected by the application as such names and addresses are shown on the last preceding tax roll of the Klamath County Assessor. 1 /
4. Filing fee - Application for a conditional use permit with the requested information attached thereto shall be accompanied by a filing fee of thirty dollars (\$30.00) to defray the costs incidental to the proceedings.
5. Improper application - If it is determined that the application does not provide the desired information nor have attached thereto other pertinent data requested, the application and filing fee shall not be accepted.
6. Public hearing date - Upon receipt of a valid application, the Planning Director shall within ten (10) days from the date of receipt thereof, set a date for public hearing, which date shall be not less than fifteen (15) nor more than thirty (30) days after filing of the application, or if no regular Planning Commission meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the Planning Commission. 1 /
7. Notice of hearing - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other data pertinent to the requested conditional use permit:
 - a. Media - Notice shall be published in an adjudicated newspaper of general circulation in the county on two (2) successive dates not less than five (5) days before the date set for hearing.

August 29, 1972

240

1 / Amended May 24, 1973

b. Mailing - Notice shall be mailed to all deed holders of property within two hundred fifty (250) feet of the external boundaries of the property affected by the requested conditional use permit not less than five (5) days before the date set for hearing. 1 /

8. Public hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested conditional use permit at the time and place designated on the notice of public hearing and after consideration of all pertinent information, shall at that time or within thirty-five (35) days thereof, announce its decision at a regular or an adjourned regular meeting.

9. Decision of the Planning Commission - The decision of the Planning Commission shall be to approve, conditionally approve, or disapprove the requested conditional use permit by a simple majority vote and shall incorporate findings in support of such decision. 1 /

The decision shall within five (5) days be filed with the Board of County Commissioners and a copy thereof mailed to the applicant at the address shown on the application. 1 /

The Planning Commission, in approving or conditionally approving a conditional use permit, may set forth in its decision, reasonable conditions which will insure the intent and purpose of the zoning ordinance and avoid the creation of detrimental effect upon abutting properties which may include, but not be limited to:

August 29, 1972

Regulation of use or uses
Special yards, spaces and buffers
Fences, hedges and walls
Surfacing of parking areas
Requiring street, service road or alley
dedications and improvements or appropriate bonds.
Regulation of points of vehicular ingress
and egress
Regulation of signs
Requiring landscaping and maintenance thereof
Requiring maintenance of the grounds
Regulation of noise, vibration, odors, etc.
Regulation of time for certain activities
Time period within which the proposed use
shall be developed
Duration of use
Such other conditions as will make possible
the development of the County in an orderly
and efficient manner and conformity with
the intent and purposes of applicable
ordinances

The decision of the Planning Commission may also have incorporated therein a time limit within which the granted conditional use permit and the conditions of approval shall have been complied with. If such have not been complied with within the prescribed time limit, such conditional use permit shall be deemed null and void.

10. Appeal from the decision of the Planning Commission-
The decision of the Planning Commission shall be final unless the applicant should be dissatisfied with such, whereupon he may appeal the decision to the Board of County Commissioners in writing within fifteen (15) days of the date of mailing of the decision. An appeal from the decision of the Planning Commission may also be filed by an interested party owning property within seven hundred (700) feet of the external boundaries of the property affected by the requested conditional use permit within the prescribed time limit if such owner is dissatisfied with the decision.

August 29, 1972

11. Public hearing date - Upon receipt of an appeal from the decision of the Planning Commission, the County Clerk shall set a date for the public hearing before the Board of County Commissioners as prescribed in Paragraph 6.
12. Notice of hearing - Notice of public hearing before the Board of County Commissioners shall be given in the manner prescribed in Paragraph 7.
13. Public hearing by Board of County Commissioners - The Board shall conduct a public hearing on the appeal from the decision of the Planning Commission at the time and place designated on the notice of the Planning Commission and all pertinent evidence or testimony related to the requested Conditional Use Permit. 1 /

The Board, at the conclusion of the public hearing, or within thirty-five (35) days thereof, shall render a decision upon the appeal.

14. Decision of the Board of County Commissioners - The decision rendered by the Board of County Commissioners shall sustain, reverse or modify the decision of the Planning Commission and by resolution, the Board of County Commissioners shall set forth its findings. The findings of the Board of County Commissioners shall be mailed to the applicant and the appellant, if other than the applicant, within five (5) days from date of decision.
15. Voiding of a conditional use permit - The Planning Commission, or the Board of County Commissioners, with or without recommendation from the Planning Commission, may, without public hearing, void any conditional use permit previously

August 29, 1972

243

1 / Amended May 24, 1973

granted for noncompliance with the conditions set forth in the granting of a conditional use permit. Written notice of the intentions of the Planning Commission to void a conditional use permit shall be mailed to the applicant not less than five (5) days before formal action to void a conditional use permit.

16. Prior conditional use permit - Any conditional use permit granted pursuant to a zoning ordinance enacted prior to the effective date of an ordinance establishing these proceedings shall be construed to be a conditional use permit in full effect unless otherwise voided pursuant to Paragraph 15.
17. Any variations, alterations, or changes in a valid Conditional Use Permit requested by the deed holder shall be considered in accordance with the procedure of this Article as though a new Conditional Use Permit were being applied for. 1 /

18. Appeal - Appeals from decisions of the Board shall be to Circuit Court. 1 /

August 29, 1972

244

1 / Amended May 24, 1973

ARTICLE 115 - WAIVER OF FEES

SECTION 115.001 - INTENT

The intent of fees established in this Ordinance is to assure that those who benefit from variance, zone changes and other similar actions help pay for the cost associated with such actions. The intent of this Article is to assure that no citizen or group is denied access to due process of law through an inability to pay for such services.

SECTION 115.002 - PROCEDURE

When an individual or group requests an action under this Ordinance for which a fee is required, the Board is hereby authorized to inquire into hardships which may be caused by the payment of such fees and may instruct that all or any part of such fee is to be waived.

August 29, 1972

ARTICLE 116 - TEMPORARY PERMITS

SECTION 116.001 - Granting of Permits Subject to Conditions

A temporary permit shall be requested in writing by letter, and may be granted by the Board after public hearing for uses of land or temporary structures or existing buildings which do not conform with the districts or regulations herein prescribed. The Board may, at its discretion, refer such requests to the Planning Commission for public hearing. A temporary permit shall be subject to any and all conditions made a part of said permit, said conditions to be imposed so the temporary structure or use will not be detrimental to the livability or appropriate development of the area but will be compatible with abutting properties and the surrounding neighborhood for the duration of the permit. Temporary permits should ordinarily only be granted for structures and uses in an undeveloped or underdeveloped part of the County. Upon provisionally approving any temporary permit, a copy of said permit shall be mailed to deed holders of property within two hundred fifty (250) feet of the applicant's property together with a notice giving said deed holders the right to appeal to the Board for reconsideration within ten (10) days from the provisional approval mailing date. Temporary permits shall be filed in the Klamath County Deed Records after expiration of the ten (10) day appeal period before the permit becomes effective. The terms and conditions of the temporary permit shall run with the land.

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SECTION 116.002 - Time Limitations

No temporary permit shall be granted to exceed a five-year period, but may thereafter be extended, after hearing, on a year-to-year basis.

1 /

SECTION 116.003 - Bond Requirement

The posting of a bond for the fulfillment of any other conditions deemed necessary to insure the removal of the temporary structure or use at the expiration of the temporary permit or upon the revocation of the temporary permit may be required at the discretion of the Board of County Commissioners.

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August 29, 1972

SECTION 116:004 - Revocation

A temporary permit may be revoked by the Board after public hearing upon the basis of any one or more of the following: 1 /

1. Violation of any of the provisions of this Zoning Ordinance, not consistent with the temporary permit. 1 /
2. Failure to comply with any prescribed condition of the temporary permit. 1 /
3. The structure or use for which the permit was granted has ceased to exist or has been suspended for a period of more than six months. 1 /
4. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a public nuisance. 1 /

August 29, 1972

247

1 / Amended May 24, 1973

C H A P T E R 12

ARTICLE 120 - NON-CONFORMING LOTS, BUILDINGS AND USES

SECTION 120.001 - INTENT

It is specifically intended at the effective date of this Ordinance that no use shall be made non-conforming. In the event that the Planning Commission or Board of Commissioners should find it necessary in the future to create non-conforming uses, it is the intent of this article to provide such procedures for the purpose of protecting the public health, safety, and general welfare and to provide non-conforming rights to such lots, buildings, and uses to permit equitable amortization of such.

SECTION 120.002 - "GROUP A" NON-CONFORMING LOTS, BUILDINGS AND USES

"Group A" non-conforming lots, buildings and uses are those which are generally not detrimental to the surrounding land uses and the development of property or applicable regulations in the zone in which they may be located; they may be continued and under certain conditions as hereinafter provided, altered or enlarged.

- A. "Group A" non-conforming lots are those lots which do not conform to the provisions of the property development standards pertaining to the lot area and lot dimension standards for the zone in which they are located. The uses permitted in the zone shall be permitted on such lots, subject to all other provisions of the zone applicable to the property.
- B. "Group A" non-conforming buildings are those buildings which do not conform to the property development standards pertaining to building height, yards, distance between buildings, off-street parking facilities for the zone in which they are located. Such buildings shall be permitted to continue, provided that any addition, alteration, or enlargement thereto shall comply with all provisions of the zone in which they are located. The alteration of buildings within the required setback areas shall not be permitted without the prior approval of the Planning Commission. When any "Group A" non-conforming building is removed from the land, all future buildings or structures erected on such land shall conform to all provisions of the zone.

August 29, 1972

C. "Group A" non-conforming uses:

1. In residential zones, "Group A" non-conforming uses of buildings are those uses which do not conform to provisions of the zone in which they are located. Buildings containing such uses may be altered, provided that the dwelling or rental unit density shall not be increased.
2. In commercial and industrial zones, "Group A" non-conforming uses of buildings are those uses which are not listed as permitted but which are of the same general type (i.e., commercial uses in a commercial zone) and are determined by the Planning Commission not to be detrimental to the public health, safety and general welfare and to neighboring uses. Such uses may be continued, altered or enlarged subject to the provisions of the zone in which it is located.

SECTION 120.003 - "GROUP B" NON-CONFORMING BUILDINGS AND USES

"Group B" non-conforming buildings and uses are those which are detrimental in the zone in which they are located; they shall be terminated or removed within a specified period. Said period shall be determined from the effective date of this Ordinance or from the date such use or building becomes non-conforming, whichever is the latter.

A. "Group B" non-conforming buildings:

1. In residential zones, industrial buildings, agricultural buildings and commercial buildings other than those specifically permitted shall be classified as "Group B" non-conforming.
2. The following time limit shall be applied to all "Group B" non-conforming buildings. This timetable is deemed to provide for the amortization of the affected building. On or before the termination of said period such buildings shall be removed from the land unless an extension of time is otherwise granted by the Planning Commission pursuant to the provisions relative to Variance.

August 29, 1972

The types of construction hereinafter denoted are those as defined in Volume I of the Uniform Building Code:

- a. Type 1 and 2 construction - Twenty (20) years
 - b. Type 3 and 4 construction - Fifteen (15) years
 - c. Type 5 construction - Ten (10) years
3. When said non-conforming building is removed from the land, at or before the end of the amortization period, every future building and use shall be in conformity with the provisions of the zone in which the property is located.
- B. "Group B" non-conforming uses:
1. "Group B" non-conforming uses shall be those uses in any zone which are expressly prohibited and those other uses which are not provided specifically for in said zone.

SECTION 120.004 - NON-CONFORMING USE OF LAND

A non-conforming use of the land, where, (1) no buildings or structures are involved; or (2) the only buildings employed are accessory or incidental to such use, shall, when deemed by the Board of County Commissioners to be detrimental to the public health, safety and welfare within five (5) years, be completely terminated or so altered that it will be in conformity with the provisions of the zone.

Such non-conforming use of land shall not be expanded in any way either on the same, or adjoining property.

If such non-conforming use of land is discontinued for a period of one year, any further use of the land shall be in conformity with this Ordinance.

SECTION 120.005 - NON-CONFORMING SIGNS AND ADVERTISING STRUCTURES

Signs which do not conform to this Ordinance but which lawfully existed and were maintained on the effective date of this Ordinance shall, within five (5) years, be removed or made to conform.

During the interim period, said non-conforming signs shall be kept in good repair and visual appearance and no structural alteration or additions shall be made thereto.

August 29, 1972

SECTION 120.006 - NON-CONFORMING OFF-STREET PARKING AND LOADING FACILITIES

Existing buildings whose off-street parking or loading facilities do not conform to the provisions of this Ordinance may be expanded or facilities added, provided the requirements for off-street parking and loading space shall have been complied with for those facilities added or enlarged.

SECTION 120.007 - NON-CONFORMING OUTDOOR STORAGE

Existing uses involving outside storage not conforming to the provisions of this Ordinance shall, within two (2) years, bring the premises into conformity with requirements of this Ordinance provided that should the uses on the premises be expanded or the building so altered as to require a building permit, then the owner shall comply with the applicable provisions at that time.

SECTION 120.008 - REVERSION

Any portion of a non-conforming building or use which is altered or changed to a conforming use, shall not thereafter be used for a non-conforming use.

SECTION 120.009 - RECONSTRUCTION OF DAMAGED BUILDINGS

A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or lightning or other calamity to the extent of not more than eighty-five percent (85%) of its assessed value at that time, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such destruction may be continued or resumed provided that the total cost of such reconstruction does not exceed eighty-five percent (85%) of the assessed value of the building or structure at the time of such damage, and that such restoration is started within a period of one (1) year. In the event such damage or destruction exceeds eighty-five percent (85%) of the assessed value of such building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations of the zone in which it is located.

SECTION 120.010 - NON-CONFORMING USES UNDER VARIANCE OR CONDITIONAL USE PERMIT

The non-conforming uses and buildings which are existing under a variance or a conditional use permit granted under this or any previous ordinance shall be permitted to continue under the conditions and regulations imposed in said permit or variance.

August 29, 1972