



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

May 25, 2006



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Scio Plan Amendment  
DLCD File Number 001-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 9, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Cathy Martin, City of Scio

<paa> ya



MAY 22 2006

**D L C D NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197-610, OAR Chapter 660 – Division 18

LAND CONSERVATION  
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Scio Local File No.: None  
(If no number, use none)

Date of Adoption: November 14, 2005 Date Mailed: May 19, 2006  
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 19, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
This was a comprehensive amendment package for the Scio Zoning Ordinance. Most changes were of a housekeeping nature. Other changes included: elimination of a long list of uses permitted in the commercial and industrial zones in exchange for a short list of use groups; eliminated the Planned Unit Development Zone; eliminated the "zero" lot line provisions; requires flow through foundations for new construction; established height limits for accessory buildings; established new "home occupation" standards; established comprehensive sign standards; revised standards for non-conforming uses and structures; and established standards for wireless telecommunication facilities.  
 Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."  
Same

Plan Map Changed from: XXX to \_\_\_\_\_

Zone Map Changed from: XXX to \_\_\_\_\_

Location: XXX Acres Involved: \_\_\_\_\_

Specify Density: Previous: N/A New: N/A

Applicable State Wide Planning Goals: 1, 2, 9

Was an Exception Adopted? Yes:  No:

DLCD File No.: 001-05 (14367)

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: Scio School District, Scio Rural Fire Protection District, Linn County

Local Contact: Cathy Martin Area Code + Phone Number: 503-394-3342

Address: 38957 NW 1<sup>st</sup> Avenue, PO Box 37 City: Scio

Zip Code + 4: 97374-0037 Email Address: scio@smt-net.com

---

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540**

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adoption materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503)373-0050; or Fax your request to (503)378-5518; or Email your request to Mara.Ulloa@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

**Ordinance No. 561**  
**SCIO ZONING ORDINANCE**  
**November 14, 2005**

## TABLE OF CONTENTS

Article/Section No.	Article/Section Title	Page Number
<b>Article 1</b>	<b>Introductory Provisions</b>	<b>1-7</b>
Section 1.010	Title	1
Section 1.020	Purpose	1
Section 1.030	Definitions	1-7
<b>Article 2</b>	<b>Basic Provisions</b>	<b>8-9</b>
Section 2.010	Compliance with Ordinance Provisions	8
Section 2.020	Classification Zones	8
Section 2.030	Zoning Map	8
Section 2.040	Zone Boundaries	9
Section 2.050	Zoning of Annexed Areas	9
<b>Article 3</b>	<b>Use Zones</b>	<b>10-19</b>
	<b>Single-Family Residential Zone (R-1)</b>	<b>10-12</b>
Section 3.010	Uses Permitted Outright	10
Section 3.020	Conditional Uses	10-11
Section 3.030	Lot Size	11
Section 3.040	Setback Requirements	11
Section 3.050	Height of Buildings	11
Section 3.060	Lot Coverage	11
Section 3.070	Basis for Determining Standards in a Base Flood Area	11-12
	<b>Multiple-Family Residential Zone (R-2)</b>	<b>12-14</b>
Section 3.110	Uses Permitted Outright	12
Section 3.120	Conditional Uses Permitted	12-13
Section 3.130	Lot Size	13-14
Section 3.140	Setback Requirements	14
Section 3.150	Height of Buildings	14
Section 3.160	Lot Coverage	14
	<b>Commercial Zone (C-1)</b>	<b>14-16</b>
Section 3.210	Uses Permitted Outright	14-15
Section 3.220	Conditional Uses Permitted	15
Section 3.230	Setback Requirements	16
Section 3.240	Lot Coverage	16
Section 3.250	Drainage Plan	16
	<b>Light Industrial Zone (LI)</b>	<b>16-20</b>
Section 3.310	Uses Permitted Outright	16-17
Section 3.320	Conditional Uses	17
Section 3.325	Prohibited Uses	17
Section 3.330	Height	18
Section 3.340	Setback Requirements	18
Section 3.350	Lot Coverage	18
Section 3.360	Open Storage Yards	18
Section 3.370	Building and Landscaping Maintenance	18-19
Section 3.381	Odors	19
Section 3.382	Insects and Rodents	19

Section 3.383	Sewage	19
Section 3.384	Vibration	19
Section 3.385	Heat and Glare	19
Section 3.386	Vehicle Access	19
Section 3.387	Department of Environmental Quality Standards	19
Section 3.388	Department of Environmental Quality Approval	19-20
Section 3.389	Drainage Plan	20
<b>Article 4</b>	<b>Reserved for Future Ordinance Expansion</b>	<b>21</b>
<b>Article 5</b>	<b>Supplementary Provisions</b>	<b>22-44</b>
Section 5.110	Exterior Lighting	22
Section 5.120	Solar Access	22
Section 5.130	Flow Through Foundations	22
Section 5.200	Off-Street Parking and Loading	22
Section 5.210	Off-Street Parking	22-24
Section 5.220	Off-Street Loading	24
Section 5.230	General Provisions – Off-Street Parking and Loading	24-27
Section 5.300	General Provisions Regarding Accessory Uses	27
Section 5.310	Authorization of Similar Uses	27
Section 5.320	Projections from Buildings	27
Section 5.330	General Exception to Lot Size Requirements	27
Section 5.340	Exceptions to Yard Requirements	28
Section 5.350	General Exception to Building Height Limitations	28
Section 5.360	Access	28
Section 5.370	Vision Clearance	28
Section 5.400	Home Occupations	29
Section 5.500	Historic Alteration and Demolition Review	29-33
Section 5.600	Sign Standards	33
Section 5.610	Purpose of Sign Standards	33
Section 5.620	Definitions	33-36
Section 5.630	Administration and Enforcement	36-37
Section 5.640	Signs Exempted or Prohibited	37-39
Section 5.650	Sign Districts	39-43
Section 5.660	Sign Construction and Maintenance	43
Section 5.670	Removal of Signs in Violation	43-44
<b>Article 6</b>	<b>Dwelling Requirements</b>	<b>45-60</b>
Section 6.100	Manufactured Home Requirements	45-47
Section 6.200	Multi-Family Dwelling and Residential Dwelling Complex Requirements	47
Section 6.210	Procedure for Review and Action – Multi-Family Dwelling and Residential Dwelling Complex Review	47-51
Section 6.220	Standards Applicable to Multi-Family Dwellings and Residential Dwelling Complexes	51-53
Section 6.230	Expansion or Alteration of Multi-Family or Residential Dwelling Complexes	53-54
Section 6.300	Manufactured Home Park Requirements	54
Section 6.310	Plans to be submitted for Manufactured Home Parks	54
Section 6.320	Site Requirements	54-55

Section 6.325	Density and Dimensional Standards for Manufactured Home Parks and Spaces	55
Section 6.330	Manufactured Home Park Improvement Requirements	55-57
Section 6.340	Manufactured Home Space Requirements	57
Section 6.350	Standard for Manufactured Homes in a Manufactured Home Park	57-58
Section 6.360	Expansion or Alteration of Manufactured Dwelling Parks	58
Section 6.370	Manufactured Dwelling Park Hearing Process	58
Section 6.400	Manufactured Dwelling Hardship Requirements	58
Section 6.410	Criteria for Review of Hardship Manufactured Dwellings	58-59
Section 6.420	Application for Hardship Manufactured Dwelling	59
Section 6.430	Notice and Hearing for Hardship Manufactured Dwelling	59
Section 6.440	Conditions of Approval for Granting a Hardship Manufactured Dwelling	59
Section 6.450	Annual Renewal of Hardship Manufactured Dwelling Permit	59-60
<b>Article 7</b>	<b>Nonconforming Uses and Structures</b>	<b>61-62</b>
Section 7.000	Continuation of Nonconforming Use or Structure	61
Section 7.010	Nonconforming Structure	61
Section 7.020	Discontinuance of a Nonconforming Use	61
Section 7.030	Change of a Nonconforming Use	61
Section 7.040	Destruction of a Nonconforming Use	61
Section 7.050	Completion of Structure	61
Section 7.060	Repairs and Maintenance	62
<b>Article 8</b>	<b>Conditional Uses</b>	<b>63-74</b>
Section 8.000	Purpose of Conditional Use Permits	63
Section 8.010	Authorization to Grant or Deny Conditional Uses	63
Section 8.020	Application for a Conditional Use	63
Section 8.030	Notice and Hearing on a Conditional Use	63
Section 8.040	Recess of the Hearing by the Commission	63
Section 8.050	Notification of Action	63
Section 8.060	Criteria for Approving or Denying a Conditional Use Permit	63-64
Section 8.070	Conditions of Approval for a Conditional Use Permit	64-65
Section 8.080	Standards Governing Conditional Uses	65-74
Section 8.090	Time Limit	74
<b>Article 9</b>	<b>Variances</b>	<b>75-76</b>
Section 9.000	Purpose	75
Section 9.010	Authorization to Grant or Deny Variances	75
Section 9.020	Application for a Variance	75
Section 9.030	Notice and Hearing on a Variance	75
Section 9.040	Notice to Applicant	75
Section 9.050	Criteria for Approval or Denial of a Variance	75-76

Section 9.060	Time Limit	76
<b>Article 10</b>	<b>Amendments</b>	<b>77-78</b>
Section 10.000	Authorization to Initiate Amendments	77
Section 10.010	Application for an Amendment to the Zoning Ordinance	77
Section 10.020	Public Hearings on Zoning Amendment Request	77-78
Section 10.030	Records of Amendments	78
<b>Article 11</b>	<b>Administrative Provisions</b>	<b>79-85</b>
Section 11.000	Enforcement	79
Section 11.010	Appeal	79
Section 11.020	Petitions, Applications, Appeals, and Fees	79-81
Section 11.030	Notice of Public Hearing	81-82
Section 11.040	Explanation in Mailed Notice to Affected Property Owners	82-83
Section 11.050	Consolidation of Procedures	83
Section 11.060	Time Period for Decision Making	84
Section 11.070	Interpretation	84
Section 11.080	Severability	84
Section 11.090	Permits	84-85
Section 11.100	Penalty	85
Section 11.110	Repeal	85
Section 11.120	Emergency	85

**ORDINANCE NO. 561**

**TITLE:** An ordinance establishing zoning regulations for the City of Scio, providing for the administration, enforcement and amendment thereof, providing for a penalty for violation thereof, repealing ordinance No. 466, and declaring an emergency.

The City of Scio does ordain as follows:

**ARTICLE 1. INTRODUCTORY PROVISIONS**

Section 1.010. Title. This ordinance shall be known as the "Zoning Ordinance of the City of Scio, Oregon."

Section 1.020. Purpose. The several purposes of this ordinance are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to conserve energy; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, and transportation; and in general to promote public health, safety, convenience, and the general welfare.

Section 1.030. Definitions. As used in this ordinance, the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

1. Accessory Structure or Use. A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use. A home occupation is an accessory use.
2. Alley. A street which affords a secondary means of access to property.
3. Boarding, Lodging, or Rooming House. A building where lodging with or without meals is provided for compensation for not less than five nor more than ten guests.
4. Building. A structure erected for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
5. Campground. A plot of ground upon which two or more spaces are located, established or maintained for occupancy by tents, or tent vehicles.
6. City. The City of Scio, Oregon.
7. Commission. The Scio City Planning Commission.

8. Day Care Facility. A facility that provides day care to children, including a day nursery, nursery school group or similar unit operating under any name, but not including: (a) a facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day; (b) a facility providing care that is primarily supervised training in a specified subject, including but not limited to dancing, drama, music or religion; (c) a facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; (d) a facility operated by a school district, political subdivision of this state or a governmental agency; or (e) a residential facility licensed under ORS 443.400 to 443.445.
9. Dwelling Unit, Multiple-family. A building containing three or more dwelling units.
10. Dwelling Unit, Single-family. A detached building containing one dwelling unit.
11. Dwelling Unit, Two-family. A building containing two dwelling units.
12. Dwelling Unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
13. Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related living together in a dwelling unit.
14. Family Day Care Provider. A day care provider who regularly provides day care in the family living quarters of the provider's home to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.
15. Fence, Sight Obscuring. A wall or planting arranged in such a way as to obstruct vision.
16. Floor Area. The area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts.
17. Grade (Ground Level). The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
18. Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

19. Home Occupation. A lawful activity commonly carried on within a dwelling that is in conformity with the provisions of this ordinance
20. Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
21. Lot. A parcel or tract of land.
22. Lot Area. The total area of a lot within the lot boundary lines exclusive of streets, easements of access to other property, and the long narrow strip of land used for access to a flag lot.
23. Lot, Corner. A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.
24. Lot Coverage. The portion of a lot that may be covered by a building.
25. Lot, Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
26. Lot, Flag. A lot which is connected to a street by a narrow strip of land which is used as access to the major portion of the lot.
27. Lot, Interior. A lot other than a corner lot.
28. Lot Line. The property line bounding a lot.
29. Lot Line, Front. The property line separating the lot from the street; in the case of a corner lot, the shortest property line along a street.
30. Lot Line, Rear. A property line which is opposite and most distant from the front lot line, and in the case of irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
31. Lot Line, Side. Any property line not a front or a rear lot line.
32. Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines.
33. Manufactured Dwelling. A manufactured dwelling is either a mobile home or a manufactured home.
34. Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for

human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. A manufactured home is a home built on or after June 15, 1976 to the standards and requirements of the National Home Construction and Safety Standards Act of 1974, as those standards are or may be amended. Manufactured home does not mean any unit identified as a recreation vehicle either by the manufacturer, as defined in this ordinance, or as defined by state law or Oregon Administrative Rule.

35. Manufactured Home Park. A lot upon which two (2) or more manufactured homes occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation.
36. Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
37. Nonconforming Structure, Lot or Use. A nonconforming structure or lot is a lawful existing structure or lot at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located. A nonconforming use is a use that lawfully occupied a building or land at the time this ordinance becomes effective, and which does not conform with the use regulations of the zone in which it is located.
38. Parking Space. An enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile.
39. Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
40. Recreational Vehicle (RV) Park. A plot of land upon which two or more recreational vehicle spaces are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. Areas for tent camping may be included as a part of a Recreational Vehicle (RV) Park.
41. Recreational Vehicle (RV). A unit, with or without motive power, which is designated for human occupancy, and is used temporarily for recreational or emergency purposes. Types of recreational vehicles include the following:

- a. Camping Trailer. A vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and has a floor area of less than 400 square feet, excluding built-in equipment such as wardrobes, closets, kitchen fixtures and bath or toilet rooms.
  - b. Motor Home. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or a chassis cab or van which is an integral part of the complete vehicle.
  - c. Park Trailer. A vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices, and a gross trailer area not exceeding 400 square feet when in the set-up mode.
  - d. Travel Trailer. A vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 400 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
  - e. Truck Camper. A portable unit that has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck, and has a floor area of less than 400 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
42. Recreational Vehicle (RV) Space. That portion of a recreational vehicle park that is reserved for the location of recreational vehicle, tent, tent vehicle, or camping vehicle
43. Residential Dwelling Complex. Any residential development other than (1) construction of one single-family dwelling, one two-family dwelling, or one multi-family dwelling on an individual lot, or (2) a subdivision or partition designed and intended for single-family dwellings. A residential dwelling complex includes any development with two or more dwelling units in two or more buildings which encompasses a lot or lots with an area which exceeds 8,000 square feet.
44. Residential Facility. A facility licensed under ORS 443.400 to 443.455 for six (6) or more physically disabled, socially dependent, developmentally disabled, or

mentally, emotionally or behaviorally disturbed individuals or elderly individuals and including a residential care facility, residential training facility, and residential treatment facility, as these are defined in ORS 443.400.

45. Residential Home. A residence for five or fewer unrelated physically disabled, socially dependent, or elderly individuals and for staff members.
46. Screening. See Fence, Sight obscuring.
47. Setback. The physical distance between the street right-of-way line or lot line and any portion of a building or structure.
48. Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered a sign.
49. Street. The entire width between the right-of-way lines of a public or private way for vehicular and pedestrian traffic.
50. Structural Alteration. Any change to the supporting members of a building including foundation, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.
51. Structure. Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.
52. Use. The purpose for which land or a structure is designed, arranged, or intended or for which it is occupied or maintained.
53. Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at the intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.
54. Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
55. Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the main building.

56. Yard, Rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.
57. Yard, Side. A yard between the front and rear yards measured horizontally and at right angles to the side lot line from the side lot lines to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear yard lot line.
58. Zoning/Building Official. One or more individuals designated by the City Council of the City of Scio, with the duties and authority to enforce the provisions of this Ordinance, the City of Land Division Ordinance, and other ordinances and regulations as specifically determined by the City Council.

**ARTICLE 2. BASIC PROVISIONS**

Section 2.010. Compliance with Ordinance Provisions.

- A. No building shall be erected, enlarged or structurally altered, nor shall any land or building be used for any purpose other than is permitted in the zone in which said building or land is located.
- B. No lot shall be so reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this ordinance nor shall the density of population be increased in a manner except in conformity with the area regulations herein established.
- C. No yard or other open space provided around any building in compliance with these regulations shall be considered as any part of a yard or open space for any other building, nor shall any yard or open space of adjacent property be considered as providing a yard or open space required for a building.

Section 2.020. Classification of Zones. For the purpose of this ordinance, the city is divided into zones designated as follows:

<u>Zone</u>	<u>Abbreviated Designation</u>
Single-Family Residential	R-1
Multiple-Family Residential	R-2
Commercial	C-1
Light Industrial	LI

Section 2.030. Zoning Map.

- A. The location and boundaries of the zones designated in Section 2.020 are hereby established as shown on the map entitled "Zoning Map of the City of Scio, Oregon". The effective date of zoning is the date shown on the zoning map. The map shall be signed by the City Recorder. The map shall hereafter be referred to as the zoning map.
- B. The signed copy of the zoning map shall be maintained without change on file in the office of the Recorder and is hereby made a part of this ordinance.
- C. Copies of the zoning map and text shall be made accessible to the public at City Hall and shall be sold at cost.

Section 2.040. Zone Boundaries. Unless otherwise specified, zone boundaries are property lines, the center line of street and alleys rights-of-way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries. However, if the boundary adjustment is for a distance greater than 20 feet, the procedure for a zone change shall be followed and the action to be taken by the City shall follow the zoning amendment procedure and criteria as set forth in Article 10 of this Ordinance.

Section 2.050. Zoning of Annexed Areas. All areas annexed to the City shall be in the Single-Family Residential Zone (R-1), unless otherwise recommended by the Planning Commission.

### ARTICLE 3. USE ZONES

#### SINGLE-FAMILY RESIDENTIAL ZONE (R-1)

Section 3.010. Uses Permitted Outright. In a R-1 Zone, the following uses and their accessory uses are permitted outright:

- A. Single - family dwelling unit. Only one dwelling unit shall be placed on a lot.
- B. Manufactured home, subject to the provisions of Section 6.100. Only one dwelling unit shall be placed on a lot, except under the provisions for Hardship Mobile Homes as provided for in Sections 6.400-6.450 of this ordinance.
- C. Home occupation subject to the provisions of Section 5.400 of this ordinance.
- D. Residential home.
- E. Family day care provider.

Section 3.020. Conditional Uses. In an R-1 Zone, the following uses and their accessory uses are allowed conditionally when authorized in accordance with the requirements of Section 8.000 to 8.999:

- A. Church.
- B. Golf course and other open land recreational use but excluding intensive commercial and amusement use such as golf driving range unless it is included as an integral part of a golf course, miniature golf course, automobile race track or amusement park.
- C. Governmental structure or land use including but not limited to a public park, playground, recreation building, fire station, library, or museum.
- D. Community building.
- E. School: nursery, primary, elementary, junior high or senior high.
- F. Utility facilities for the treatment, storage or transmission of water, sewage disposal, storm sewers, electricity, telephone, cable, or similar use.
- G. Nursery school, day nursery, kindergarten, day care facility, or similar facility.

- H. Hospital, sanitarium, nursing home, convalescent home, or residential facility.
- I. Wireless telecommunications facilities.

Section 3.030. Lot Size. In an R-1 Zone, the minimum lot size shall be as follows:

- A. The minimum lot area shall be 8,000 square feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot area shall be 10,000 square feet.
- B. The minimum lot width at the front building line shall be 60 feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot width at the front building line shall be 80 feet.

Section 3.040. Setback Requirements. Except as provided in Sections 5.300, 5.330, and 5.340, in an R-1 Zone, the yards shall be as follows:

- A. The front yard shall be a minimum of 20 feet.
- B. The side yard shall be a minimum of five (5) feet and both side yards together shall total a minimum of 13 feet, except that in the case of a corner lot, the side yard abutting a street shall be a minimum of 15 feet.
- C. The rear yard shall be a minimum of 20 feet.

Section 3.050. Height of Buildings. In an R-1 Zone, no building shall exceed a height of 35 feet measured from grade. No accessory building to a mobile home shall exceed the height of the mobile home or 12 feet, whichever is less.

Section 3.060. Lot Coverage. In an R-1 Zone, buildings shall not occupy more than 45 percent of the lot area, except if the buildings are located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, they shall not occupy more than 35 percent of the lot area.

Section 3.070. Basis for Determining Standards in a Base Flood Area.

- A. When a lot is partially within a Base Flood Area and partially outside of that Base Flood Area, and when the lot has an area of less than 20,000 square feet, the entire lot shall be considered to be within the Base Flood Area if 50 per cent or more of the lot is within the Base Flood Area.

- B. If less than 50 per cent of the lot with less than 20,000 square feet of area is within the Base Flood Area, the entire lot shall be considered to be outside of the Base Flood Area.
- C. Standards for lots with more than 20,000 square feet of area shall be based on a determination of the actual location of the building site(s) within the Base Flood Area.
- D. The Base Flood Area determinations specified in this section shall apply to lot area, lot width, and lot coverage standards.

**MULTIPLE-FAMILY RESIDENTIAL ZONE (R-2)**

Section 3.110. Uses Permitted Outright. In an R-2 Zone, the following uses and their accessory uses are permitted outright:

- A. Multi-family dwelling unit, subject to the provisions of Section 6.200 to 6.230.
- B. Residential Dwelling Complex, subject to the provisions of Sections 6.200 to 6.230.
- C. Two-family dwelling unit.
- D. Single-family dwelling unit.
- E. Manufactured home, subject to the provisions of Section 6.100.
- F. Home occupation, subject to the provisions of Section 5.400 of this ordinance.
- G. Boarding, lodging or rooming house.
- H. Family day care provider.
- I. Residential facility for 6-15 individuals.

Section 3.120. Conditional Uses. In an R-2 Zone the following uses and their accessory uses are allowed conditionally when authorized in accordance with the requirements of Section 8.000 to 8.999:

- A. Church.
- B. Golf course and other open land recreational use but excluding intensive commercial and amusement use such as golf driving range unless it is

included as an integral part of the golf course, miniature golf course , automobile race track, or amusement park.

- C. Governmental structure or land use including but not limited to a public park, playground, recreation building, fire station, library, or museum.
- D. Community building.
- E. School: nursery, primary, elementary, junior high or senior high.
- F. Utility facilities for the treatment, storage, or transmission of water, sewage disposal, storm sewers, electricity, telephone, cable, or similar use.
- G. Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home, residential facility for 16 or more persons.
- H. Nursery school, day nursery, kindergarten, day care facility, or similar facility.
- I. Manufactured home park, subject to the provisions of Section 6.300 to 6.363. Manufactured home parks are exempt from the conditional use criteria listed under Section 8.060 of this ordinance.
- J. Recreational vehicle park or campground.
- K. Wireless telecommunications facilities.

Section 3.130. Lot Size. In an R-2 zone the minimum lot size shall be as follows:

- A. The minimum lot area shall be 8,000 square feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot area shall be 10,000 square feet.
- B. The minimum lot width at the front building line shall be 80 feet.
- C. The minimum lot area for a single-family dwelling or a two-family dwelling shall be 8,000 square feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot area shall be 10,000 square feet.
- D. The minimum lot area for a multiple-family dwelling with three or more dwelling units shall be 3,000 square feet per dwelling unit, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of

the City of Scio, the minimum lot area shall be 5,000 square feet per dwelling unit.

- E. The provisions of Section 3.070, Basis for Determining Standards in a Base Flood Area, shall also apply to the minimum lot area and density standards for the R-2 zone, in Section 3.150.

Section 3.140. Setback Requirements. Except as provided in Sections 5.010 and 5.060, in an R-2 zone the yards shall be as follows:

- A. The front yard shall be a minimum of twenty (20) feet.
- B. The side yard shall be a minimum of five (5) feet and both side yards together shall total a minimum of thirteen (13) feet, except that in the case of a corner lot, the side yard abutting a street shall be a minimum of fifteen (15) feet.
- C. The rear yard shall be a minimum of twenty (20) feet.
- D. When more than one building containing dwelling units is located on one lot, the distance between buildings shall be a minimum of sixteen (16) feet.

Section 3.150. Height of Buildings. In an R-2 zone no building shall exceed a height of 35 feet measured from the grade.

Section 3.160. Lot Coverage. In an R-2 zone all buildings shall not cover more than 35% of the lot area.

### COMMERCIAL ZONE (C-1)

Section 3.210. Uses Permitted Outright. In a C-1 Zone, the following uses and their accessory uses are permitted outright.

- A. A commercial enterprise, which may be classified as belonging to one of the following use groups:
  - 1. Retail store or shop, such as food store, drug store, variety store, apparel store, hardware store, or furniture store.
  - 2. Automobile, boat, truck or trailer sales, service, storage, rental, or repair establishment provided all repair activity shall be conducted entirely within an enclosed building.

3. Personal or business service establishment, such as commercial amusement enterprise, barber shop, beauty shop, clothes cleaning establishment, laundromat, hotel or motel, mortuary, art or music studio, tailor shop or locksmith.
  4. Repair shop for the type of goods offered for sale in a retail trade establishment permitted in a C-1 zone such as shoe repair shop, small appliance shop, television or electronic equipment repair shop, or watch repair shop.
  5. Eating or drinking establishment such as restaurant, tavern or cocktail lounge.
  6. Office, business or professional, including veterinarian clinic.
  7. Financial institution such as bank.
  8. Newspaper office or print shop.
  9. Transportation and communication facilities such as bus station or phone company exchanges.
  10. Parking lot or garage.
- B. Community building, place of public assembly, club, lodge or fraternal organization.
- C. A use listed as a permitted or conditional use in the R-2 Zone, except for a use expressly listed as a conditional use in the C-1 Zone. Residential uses shall be subject to the density, setback, and other development standards of the R-2 Zone.
- D. The Zoning/Building Official shall determine whether a specific use is appropriate to the particular use group permitted in the C-1 zone. The Zoning/Building Official shall either approve or disapprove the use, or refer the proposed use to the Planning Commission for a decision. A decision of either the Zoning/Building Official or the Planning Commission may be appealed using the procedure specified in Section 11.020 of this Ordinance.

Section 3.220. Conditional Uses Permitted. In a C-1 zone a public utility facility such as a sewage treatment plant, an electrical substation, a water reservoir or treatment plant, or a pumping station and wireless telecommunications facilities are allowed conditionally when authorized in accordance with the requirements of Sections 8.000 to 8.999.

Section 3.230. Setback Requirements. Except as provided in Sections 5.300, 5.330, and 5.340 in a C-1 zone the yards shall be as follows:

- A. The side yard shall be a minimum of ten (10) feet where abutting a residential zone.
- B. The rear yard shall be a minimum of twenty (20) feet where abutting a residential zone.

Section 3.240. Lot Coverage. In a C-1 zone buildings shall not occupy more than eighty per cent (80%) of the lot area.

Section 3.250. Drainage Plan. In a C-1 zone, all non-residential uses will supply a drainage plan at the time the building permit application is submitted, either for the initial permit for new construction on the property, or for subsequent expansion or alteration of a new or existing use. The drainage plan shall be approved by the City Engineer prior to final approval of the building permit.

### **LIGHT INDUSTRIAL ZONE (LI)**

Section 3.310. Uses Permitted Outright. In an LI zone the following uses and their accessory uses are permitted outright.

- A. Antique store, second hand store.
- B. Automobile, boat, truck, trailer or motorcycle sales, service, storage, rental, or repair establishment.
- C. Contractors office and storage facility, business office of the firm or operation that is located on site.
- D. Feed and seed store, plant nursery, greenhouse.
- E. Heavy equipment, implement or machinery sales, service, or rental.
- F. Lumber and/or building materials sales and storage.
- G. Tire sales and repair shop.
- H. Animal hospital and/or clinic, pet boarding facility, veterinarian office.
- I. Trade or vocational school.
- J. A dwelling in conjunction with a permitted use for the owner or caretaker, whenever the on-site residence of such person is necessitated by the use.

- K. Public utility lines and facilities, except for those public facilities listed as a conditional use.
- L. Governmental structure or use of land, except for public utility facility listed as a conditional use..
- M. A use involving manufacture, research, repair, assembly, processing, fabricating, wholesaling, storage, or transportation, except for those uses that are prohibited in the LI Zone as listed in Section 3.325. The Zoning/Building Official shall determine whether a specific use is appropriate to this classification and is permitted in the LI Zone. The Zoning/Building Official shall either approve or disapprove the use, or refer the proposed use to the Planning Commission for a decision. A decision of either the Zoning/Building Official or the Planning Commission may be appealed using the procedure specified in Section 11.020 of this Ordinance.

Section 3.320. Conditional Uses. In an LI Zone, the following uses and their accessory uses are allowed conditionally, when authorized in accordance with the requirements of Sections 8.000 to 8.999.

- A. Public utility facility such as a sewage treatment plant, an electrical substation, or a water reservoir or treatment plant.
- B. Wireless telecommunications facilities.

Section 3.325. Prohibited Uses. In an LI zone, the following uses and their accessory uses are prohibited in the LI Zone.

- A. Cement, lime or similar products manufacture.
- B. Explosives storage or manufacture.
- C. Petroleum products manufacture or refining.
- D. Smelting or refining of metallic ore.
- E. Extraction and/or processing of rock, sand, gravel, or similar material.
- F. Solid waste disposal facility.
- G. Auto wrecking yard or junk yard.
- H. Other uses similar to the above. The Zoning/Building Official shall determine whether a specific use shall be permitted or prohibited in the LI zone, based on its similarity to other uses permitted or prohibited in the zone. The Zoning/Building Official shall either: approve or disapprove the proposed use or refer the proposed use to the Planning Commission for a decision. A decision of either the Zoning/Building Official or the Planning Commission may be appealed using the procedure specified in Section 11.010 of this Ordinance.

Section 3.330. Height. In an LI Zone, no building or structure shall exceed forty-five (45) feet.

Section 3.340. Setback Requirements. In an LI zone the yards shall be as follows.

A. Rear and Side Yards.

1. There shall be a rear and side yard on every lot in an LI Zone with a minimum depth of ten (10) feet.
2. When the lot in the LI zone is adjacent to a Residential Zone, the minimum side and rear yard depth shall be 20 feet.
3. The minimum rear and side yard depth shall be increased one foot for each additional foot of building height above ten (10) feet.
4. Any rear or side yard adjacent to a street shall have a minimum depth of twenty (20) feet.

B. Front Yard. There shall be a front yard on every lot in an LI zone with a minimum depth of five (5) feet of landscaping along the front property line. Signs shall comply with the sign requirements listed in this Ordinance.

Section 3.350. Lot Coverage. No building shall cover more than fifty percent (50%) of the total lot area.

Section 3.360. Open Storage Yards. All yard areas, exclusive of those required to be landscaped, may be used for the purposes permitted in the LI zone, provided such yard areas are enclosed with an ornamental, sight-obscuring fence, wall, or a hedge planted at four (4) feet in height and capable of attaining a height to sufficiently screen the open area from any street or highway or from any residential area within two (2) years.

- A. No material or equipment shall be placed within such a storage yard or area if it projects above such fence, wall, or hedge, or if it is visible from any street or highway or from any residential zone.
- B. The surface of such area shall be paved or graveled and maintained at all times in a dust-free condition.
- C. Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as not to shine on or reflect into abutting properties, streets or into the sky above.

Section 3.370. Building and Landscaping Maintenance. In order to increase the compatibility and amenities between the uses of the LI zone and any abutting residential districts, the following provisions shall be observed.

- A. All required yard areas and all other yards not used for open storage as provided in Section 3.340 or paved parking and loading areas, shall be kept in a neat and clean condition and established and maintained in a manner to provide a park-like character to the property. Such landscaped yards, hedges and sight-obscuring planting shall be continuously maintained, free of all weeds, dead and dying plants.
- B. All structures, buildings, fences and walls shall be maintained in a neat, clean and attractive condition.

Section 3.381. Odors. The emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

Section 3.382. Insects and Rodents. All materials including wastes which are edible or attractive to rodents or insects shall be stored outdoors only in closed containers and all grounds shall be maintained in a manner which will not attract or aid the propagation of rodents or insects or create a health hazard.

Section 3.383. Sewage. Prior to operation, adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the City of Scio, County Health Department and State Department of Environmental Quality.

Section 3.384. Vibration. No vibration other than that caused by motor vehicles on adjacent roads shall be permitted which is discernible without instruments at or beyond the property line.

Section 3.385. Heat and Glare. Operations producing heat or glare shall be conducted entirely within an enclosed building and shall not be discernible at or beyond the property line.

Section 3.386. Vehicle Access. Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Multiple use of driveways shall be encouraged in order to limit the number of vehicular access points to the street system. All access roads and driveways shall be surfaced with all-weather asphalt, concrete or comparable all-weather permanent material surfacing.

Section 3.387. Department of Environmental Quality Standards. All uses in an LI zone shall comply with standards adopted by the Department of Environmental Quality for air, land, water and noise.

Section 3.388. Department of Environmental Quality Approval. All uses in an LI zone which require a permit from the Department of Environmental Quality shall have said

permit or written approval from the DEQ prior to the start of operations. A copy of the DEQ permit or written approval shall be placed on file at the Scio City Hall.

Section 3.389. Drainage Plan. All uses in an LI zone will supply a drainage plan at the time the building permit application is submitted, either for the initial permit for new construction on the property, or for subsequent expansion or alteration of a new or existing use. The drainage plan shall be approved by the City Engineer prior to final approval of the building permit.

ARTICLE 4. IS RESERVED FOR FUTURE ORDINANCE  
EXPANSION

## ARTICLE 5. SUPPLEMENTARY PROVISIONS

Section 5.110. Exterior Lighting. Exterior lighting shall be located, hooded or screened in such a manner so as not to face directly, shine or reflect glare onto an adjacent street or residence. Parking lots, interior access driveways and roads, and interior pathways and sidewalks shall be adequately lit at night.

Section 5.120. Solar Access. This section is reserved for standards assuring that new structures and landscaping shall not reduce or block the solar access of existing buildings.

Section 5.130. Flow Through Foundations. All building constructed after the date of ordinance adoption shall be constructed with flow through foundations.

Section 5.200. Off-Street Parking and Loading. Section 5.200 to Section 5.299 shall be reserved for standards related to the provision of off-street parking and loading.

Section 5.210. Off-Street Parking. At the time of construction or expansion of a building or at the time of a change in use of an existing building to a use requiring additional parking spaces within any zone in the city, off-street parking spaces shall be provided in accordance with the requirements of this section. If parking space has been provided in connection with an existing use, the parking space that has been provided shall not be eliminated if elimination would result in less than is required by this section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

<u>Use</u>	<u>Standards</u>
A. Residential.	
1. One-family dwelling, two-family dwelling including manufactured home used as a dwelling;	Two spaces per dwelling unit.
2. Multiple-family dwelling;	Two spaces per dwelling unit.
3. Boarding, lodging or rooming houses;	Spaces equal to 80 percent of the number of guest accommodations plus one additional space (for owner or manager).

B. Institutional.

- |   |                                      |
|---|--------------------------------------|
| 1. Hospital, convalescent hospital, nursing home, sanitarium, residential home or facility; | One space per two beds for patients. |
|---|--------------------------------------|

C. Place of public assembly.

- |  |  |
|--|--|
| 1. Church, club, lodge, or other auditorium: | One space per four seats or eight feet of bench length in the main auditorium. |
|--|--|

- |                           |   |
|---------------------------|---|
| 2. Library, reading room: | One space per 400 square feet of floor area plus one space per two employees. |
|---------------------------|---|

- |                             |                         |
|-----------------------------|-------------------------|
| 3. Nursery, primary school; | Two spaces per teacher. |
|-----------------------------|-------------------------|

- |                                      |  |
|--------------------------------------|--|
| 4. Elementary or junior high school: | One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater. |
|--------------------------------------|--|

- |                 |   |
|-----------------|---|
| 5. High School: | One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater. |
|-----------------|---|

- |   |   |
|---|---|
| 6. College, commercial school for adults: | One space per five seats in classrooms. |
|---|---|

D. Commercial.

- |   |  |
|---|--|
| 1. Retail store except as provided in subsection (2) of this section. | One space per 200 square feet of floor area. |
|---|--|

- |                            |                          |
|----------------------------|--------------------------|
| 2. Service or repair shop, | One space per 600 square |
|----------------------------|--------------------------|

retail store handling  
exclusively bulky merchandise  
such as automobiles and  
furniture. feet of floor area.

3. Bank, office or clinic: One space per 300 square feet of floor area plus one space per two employees.
4. Eating or drinking establishment: One space per 200 square feet of floor area.
5. Mortuaries: One space per four seats or eight feet of bench length in chapels.

E. Industrial uses:

1. Storage warehouse; manufacturing establishment; freight terminal; wholesale establishment; One space per employee plus one space per 600 square feet of patron serving area.

Section 5.220. Off-Street Loading.

- A. Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
- B. Merchandise, materials or supplies. Buildings to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

Section 5.230. General Provisions - Off-Street Parking and Loading.

- A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will

remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the commission, based upon the requirements of comparable uses listed.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented in the form of deeds, leases, license, or contracts to establish the joint use.
- E. Off-street parking spaces for residential uses shall be located on the same lot with the dwelling. Required parking spaces for uses other than residential shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.
- F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G. Unless otherwise provided, required parking and loading spaces shall not be located in a required yard.
- H. State standards shall be met for handicapped parking spaces at the time of construction.
- I. Plans for the parking lot(s) and loading area(s) shall be submitted at the time of submitting a building permit application. A performance bond or its equivalent shall be required for parking lot development. Design and construction requirements for parking lots shall include the following:

1. Areas used for standing and maneuvering of vehicles shall have a hard surface maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.
  2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence or evergreen hedge of not less than five nor more than six feet in height (except where vision clearance is required).
  3. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail.
  4. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
  5. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
  6. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.
  7. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.
  8. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right of way line, and a straight line joining said lines through points 20 feet from their intersection.
- J. Completion time for parking lots. Required parking spaces shall be improved and available for use by the time the use served by the parking lot is ready for occupancy. An extension of time may be granted by the Zoning/Building Official. In the event the improvements are not

completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the city.

Section 5.300. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

- A. Fences and hedges shall not conflict with requirements of a vision clearance area.
- B. A greenhouse or hothouse may be maintained accessory to a dwelling.
- C. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities.
- D. Regardless of the side yard requirements of the zone, in a residential zone a side or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a street other than an alley, provided the structure is detached from other buildings by five feet or more and does not exceed a height of 14 feet nor an area of 450 square feet.
- E. Except as modified in Section 5.300.D, an accessory building to a residential use of property or to a use permitted in the R-1 or R-2 zone shall not exceed a height of 20 feet. An accessory building that is 14 feet or less in height shall comply with the setback requirements for a primary use of property. If the building is over 14 feet in height, the side and rear yard setback for the affected yard shall be increased by one foot for each additional foot in height of the building.

Section 5.310. Authorization of Similar Uses. The commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion in a zone of a use not listed, if the use is specifically listed, or which is similar to a use specifically listed, in another zone.

Section 5.320. Projections from Buildings. Cornices, eaves, canopies, sunshades, solar panels, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintel, ornamental features, and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

Section 5.330. General Exception to Lot Size Requirements. If, at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone.

Section 5.340. Exceptions to Yard Requirements. In the case of dwellings, the following exception to the front yard setback requirement is authorized for a lot in any zone. If there are dwellings on both abutting lots, with front yards of less than the required depth for the zone, the front yard setback for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard setback for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

Section 5.350. General Exception to Building Height Limitations. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, mountings for solar panels, solar panels, windmills, conveyors, and other similar projections. However, towers that are listed as conditional uses shall be subject to greater setback requirements depending on the height of the tower and the relation of that tower to surrounding land uses.

Section 5.360. Access. All lots shall abut a street other than an alley for a width of at least 25 feet.

Section 5.370. Vision Clearance. A vision clearance area shall be provided within residential zones as follows:

- A. At intersections of streets, not including an alley, the minimum vision clearance distance shall be 30 feet.
- B. At an intersection of a street and an alley, the minimum vision clearance distance shall be 10 feet.
- C. At street intersections, not including an alley, the minimum vision clearance distance for planting shall be 10 feet. In the vision clearance area, vegetation shall not exceed a height of 24 inches.
- D. All trees within a vision clearance area, whether in the street right-of-way or on private property, shall be trimmed so that there are no limbs lower than seven feet above the curb or seven feet six inches above the shoulder of the street.
- E. No permanent or temporary obstruction to vision shall exceed 30 inches in height in a vision clearance area.
- F. Standards which apply to the vision clearance area shall also apply to the street right-of-way which abuts the vision clearance area.

Section 5.400. Home Occupations. A home occupation is permitted outright within a residential zone provided it meets the following standards:

- A. The building may be constructed, altered, or changed internally to accommodate the requirements of the home occupation, but the external features of the building shall be the same as those of a residence or accessory building, and the building and lot shall not be constructed, altered or changed to resemble a commercial or industrial building or lot.
- B. The home occupation shall be carried on in the dwelling unit or in an accessory building.
- C. There shall be no employees except for residents of the dwelling where the home occupation is situated and the equivalent of one additional full time employee.
- D. No home occupation shall be allowed which requires special permits or any commercial or industrial type permits from any environmental agency.
- E. The home occupation shall not result in the need for additional on-street or off-street parking to accommodate the use beyond the requirement for residential use on the property, except for parking on an occasional basis.
- F. There shall be no exterior visual evidence of the home occupation except for a sign that complies with the sign requirements of this ordinance.
- G. The home occupation shall be limited to either a garage or other accessory structure, or be limited to a space within the dwelling that is no more than 50 per cent of the floor area of the main floor of the dwelling. If located within an accessory structure or garage, the home occupation shall not utilize over 500 square feet of floor area.
- H. There shall be no noise level related to the home occupation that extends beyond the exterior boundaries of the property where the home occupation is located.
- I. No materials or mechanical equipment shall be used that are detrimental to the residential use of the dwelling or any adjacent or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

Section 5.500. Historic Resource Alteration and Demolition Review.

- A. Purpose. The purpose of this section is to encourage the preservation of Scio's historic resources through the establishment of procedures to review and act upon application for permits to alter or demolish those resources.

- B. Applications. The provisions of this article apply to all resources listed on the Scio Register of Historic Resources.
- C. Alteration and Demolition Permits Required. A permit is required for alteration or demolition of any resource listed on the Scio Register of Historic Resources.
1. Alteration, as governed by this section, means any addition to, removal of, or changes in the exterior part of the historic resource but shall not include paint color.
  2. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, material, or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, rehabilitation, restoration, demolition, or removal of any such feature when the building official determines that there is a threat to public safety due to an unsafe or dangerous condition.
  3. Exception. A permit is not required under this article for the alteration of a historic resource when the review of the proposed alteration is required by an agency of the state or federal government.
- D. Review Procedures. The planning commission shall review all applications to alter or demolish any historic resource listed on the Scio Register of Historic Resources.
1. Application. An application and filing fee for alteration or demolition of an historic resource shall be submitted to the Planning Commission in accordance with the provisions of Section 11.020. The application shall be accepted at least 35 days prior to the date of the scheduled public hearing before the Planning Commission.
  2. Before the Planning Commission may act on an application for alteration or demolition of a historic resource, it shall first hold a public hearing thereon in accordance with the provisions of Sections 11.030 and 11.040. Notice shall also be mailed to the State Historic Preservation Office, and any person requesting notice of demolition or alteration of a historic resource.
  3. The commission may recess a hearing on a request for an alteration or demolition in order to obtain additional information or to serve

notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the commission shall announce a time, date, and place for resumption of the hearing.

4. Within five working days after a decision has been rendered with reference to an alteration or demolition, the city shall provide the applicant and all other parties having participated in the public hearing with written notice of the decision.
5. The decision of the Planning Commission shall be based on the criteria established in subsection F and G of this section.

E. Decision Alternatives.

1. Decision Alternatives for Alteration Review. In the case of application for a permit to alter a historic resource, the planning commission shall take one of the following actions:
  - a. Approve the request as submitted; or
  - b. Approve the request with modifications, conditions, or recommendations; or
  - c. Deny the request.
2. Decision Alternatives for Demolition Review. In the case of an application for demolition of a historic resource, the planning commission shall take one of the following actions:
  - a. Allow immediate issuance of the demolition permit.
  - b. Require a delay in the issuance of the permit for up to 120 days. During this period, the city shall attempt to determine if public or private acquisition and preservation are feasible or if other alternatives exist which could prevent the demolition of the resource.
  - c. In the case of approval of the permit, recommend to the property owner that the city be allowed to take several black and white photographs of the resource prior to demolition. Any photographs shall be kept on file at the Depot Museum or other suitable location as permanent historic record.

F. Criteria for Alteration Review. To preserve the historical and architectural integrity of historic resources and to provide for public safety, recommendations shall be based on applicable state and local codes and ordinances related to building, fire, life, and safety and the following criteria:

1. The removal or alteration of any historical marker or distinctive architectural features shall be avoided when possible.
2. Alterations which include materials of a design not in keeping with the historic appearance of the building or structure shall be discouraged.
3. Alterations which have taken place over the course of time are part of the history and development of the building or structure. These alterations may be significant in their own right and should also be taken into consideration.
4. Distinctive stylistic features or examples of skilled craftsmanship should be treated carefully and retained whenever possible.
5. Deteriorated architectural features shall be repaired, rather than replaced, whenever possible.
  - a. If it is necessary to replace deteriorated architectural features, new materials should match in terms of composition, design, color and texture.
  - b. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on the availability of architectural elements from other buildings or structures.
  - c. The design is compatible with the size, scale, and material of the historic building or structure and is compatible with the character of the neighborhood.

G. Criteria for Demolition Review. In any decision concerning the demolition of a historic resource, the following shall be considered:

1. The state of repair of the building and the economic feasibility of rehabilitation.
2. Hardship of the applicant.

3. The quantity and quality of other historic resources in the city comparable in terms of type and style.
4. The existence of a program of project which may result in preservation of the structure.
5. The character of the neighborhood in which the resource is located.

Section 5.600. Sign Standards. Sections 5.600 to 5.699 provide standards and requirements pertaining to the construction, erection, maintenance, electrification, illumination, type, size, height, clearance, number and location of signs in the City of Scio.

Section 5.610. Purpose of Sign Standards. The construction, erection, maintenance, electrification, illumination, type, size, height, clearance, number, and location of signs shall meet the standards and procedures of Sections 5.600 to 5.699 in order to:

- A. Protect the health, safety, property, and welfare of the public.
- B. Maintain the neat, clean, orderly and attractive appearance of the City.
- C. Provide for the safe erection and maintenance of signs.
- D. Preserve the safe flow of traffic in Scio.

Section 5.620. Definitions. The following terms, where used in Section 5.600 to 5.699 of this Ordinance shall have the meanings as shown in this section.

Area or area of a sign. The area within an established sign edge, frame, or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a circle, square, rectangle, and/or triangle. Where a sign is of a three-dimensional, round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.

Clearance. The measurement from the highest point of the grade below the sign to the lowermost point of the sign, or at the lowermost part of the structure to which the sign is attached, if said structure is attached to the face of the building.

Display surface. The area made available by the sign structure for the purpose of displaying the message.

Erect. To build, construct, attach, place, suspend, or affix, and including the painting of wall signs.

Face of a Building. All window and wall area of a building in one plane.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Frontage. The length of the property line of any one premise along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

Height. The measurement from the highest point of the grade below the sign to the topmost point of the sign.

Maintain. To permit a sign, sign structure, or part thereof to continue to exist without change; or to repair or refurbish a sign, sign structure, or part thereof.

Mural. A large picture painted on or attached to a wall that is intended to depict history, scenery, or some aspect of the community and its development and that is not intended to identify the occupant of a premise or to advertise a product or service. A mural is not a sign.

Parapet or parapet wall. That part of any exterior wall that extends above the roof line.

Permittee. A property owner or business owner, or a designated agent of that property owner or business owner, who has applied for a Sign Permit to allow placement or erection of a sign covered by this Ordinance, or a person who has not as yet applied for a sign permit, but will be required to do so due to an intent to place or erect a sign covered by this Ordinance, or by the premature placement or erection of a sign covered by this Ordinance. The property owner or business owner shall either sign the application for a Sign Permit or provide evidence that the agent has the authority to sign the application.

Premises. A lot, parcel, or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business or activity is located on the lot, parcel, or tract of land, each separate business shall be considered as a separate premise.

Projection. The distance that a sign extends from its supporting structure.

Roof line. The actual outer surface of the roof.

Sign. A presentation or representation by words, letters, figures, designs, pictures, or colors displayed out-of-doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, free standing signs, projecting signs, flashing signs, wall-mounted signs, wall-painted signs, banners, pennants, roof signs, fence signs, and street clocks, and includes the surface upon which the message is displayed.

Sign, Abandoned. Any sign located on premises when the business or activity to which it relates is no longer conducted or in existence on the premises.

Sign, Banner. A sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign shall be considered as a wall sign provided that the appropriate wall sign standards are met. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Changing (automatic). A sign such as an electronically or electrically controlled public service, time, temperature, and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.

Sign, Externally Illuminated. A sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.

Sign, Fence. A sign attached to the side of a fence on a permanent basis.

Sign, Flashing. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

Sign, Free-standing. A sign wholly supported by a sign structure in the ground. Free-standing signs include pole signs and monument signs.

Sign, Internally Illuminated. A sign which is wholly or partially illuminated, by an internal light source from which source light passes through the display surface to the exterior of the sign.

Sign, Nonconforming. A sign in existence or under construction on the effective date of the Ordinance which does not conform to the provisions of the Ordinance, but which was or is being constructed, erected, or maintained in compliance with regulations in affect at the time the sign was constructed or erected.

Sign, Notice. A sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices, and similar signs.

Sign, Off-Premises. A sign that is not located on the premises where a product or service is provided, and that is intended to advertise a product or service. The message on the sign may be permanent, or it may be changed from time to time.

Sign, Pennant. A shaped, lightweight sign, made of plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in a series, and designed to move in the wind.

Sign, Projecting. A sign which is attached to a building and extends more than nine (9) inches beyond the line of the building or more than nine (9) inches beyond the surface of that portion of the building to which it is attached.

Sign, Roof. A sign erected upon or above a roof or parapet of a building.

Sign, Temporary. A sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed basis for a limited period of time.

Sign, Time and Temperature. A sign providing only time and/or temperature information.

Sign, Unsafe. A sign determined to be a hazard to the public by the Zoning/Building Official or by the Linn County Building Official or his designated representative.

Sign, Wall-Mounted. A sign, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall. Wall-mounted signs may not project more than nine (9) inches from the wall to which they are attached.

Sign, Wall-Painted. A sign painted directly onto a wall of a building that is located in a commercial or industrial zone.

Sign, Window. A sign, pictures, symbols, neon tubing, or combination thereof, designed to communicate information that is placed within a window and directed towards the outside of the window. Window signs do not include painted or printed displays of a temporary nature associated with holidays.

Structural Alteration. Any change in a sign or sign structure other than advertising message or normal maintenance.

Written Message. The lettering, wording, numbers, and/or other symbols on a sign intended to convey a message. Written message does not include notation of the sign identifying the sign installer or artist, provided such identification is less than one (1) square foot in area.

#### Section 5.630. Administration and Enforcement.

- A. Permit Required. All signs erected after the effective date of this Ordinance, other than exempt signs, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the Zoning/Building Official.

- B. Permit Fee. A fee as established by resolution of the City Council shall be paid to the City upon filing of an application. Such fee shall not be refundable.
- C. Interpretation. This Code supersedes any provision dealing with signs in any previously adopted ordinance, resolution, or regulation.
- D. Enforcement Authority. The Zoning/Building Official shall have the power and duty to interpret and enforce the provisions of Sections 5.600 to 5.699 of this Ordinance.
- E. Permit Expiration. Every permit issued by the Zoning/Building Official under the provisions of Sections 5.600 to 5.699 of this Ordinance shall become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 90 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 180 days.
- F. Permit Suspension or Revocation. The Zoning/Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued on the basis of incorrect information supplied, or in violation of any applicable ordinance or regulation or any of the provisions of Sections 5.600 to 5.699 of this Ordinance.
- G. Pre-Existing Signs. Signs constructed or placed on property prior to the date of this Ordinance, or an applicable amendment thereto, shall be considered to be non-conforming and shall comply with the sign code requirements in effect at the time the sign was located on the property. If the sign is to be relocated or replaced, the sign shall comply with the provisions of Sections 5.600 to 5.699 of this Ordinance.

Section 5.640. Signs Exempted or Prohibited.

- A. Exempted Signs. The following signs shall not require a sign permit but shall conform to all other applicable provisions of this Ordinance and shall be permitted in all zones, except as otherwise noted:
  - 1. Signs not exceeding three (3) square feet in area, nonilluminated, and not exceeding three (3) feet in height if ground-mounted. Such signs may include, but are not limited to property address or building numbers, names of occupants or premises, professional nameplates, on-site directional, and similar signs.

2. Temporary signs that are nonilluminated, have an overall face area not exceeding 16 square feet in a residential zone or 32 square feet in a commercial or industrial zone, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to: real estate lease and sales, political signs, construction signs, and garage sale, open house, special event, and similar signs. Such signs shall only be posted for the duration of the activity. No sign shall be extended into or extend over a street right-of-way except as provided in Section 5.640.A.6. See also Section 5.640.B.
3. Signs placed for purposes of public direction and safety. The signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as fire stations), legal notices, danger signals, and similar signs. The signs may be placed within the public right-of-way in such a manner as not to be a hazard to pedestrian, bicycle, or motor vehicle safety.
4. Temporary display of lights or other decorations associated with holidays. The display shall be in place for a time period not to exceed 60 days.
5. Banners in Public Rights-of-Way. Banners to be placed in the street right-of-way that are intended to advertise or promote the community or region or an event planned to occur within the community or region, are permitted subject to the approval of the City Manager of the City of Scio and the State of Oregon Department of Transportation (ODOT) if the banners are to be located along Highway 226.
6. Flags.
7. Signs carved into a building or which are a part of materials that are an integral part of the building such as cornerstones, building names, and similar signs.
8. Signs of public or legal notice.
9. Window signs.
10. Painted or printed displays in windows of a temporary nature associated with holidays.
11. Promotional displays for special events provided such displays shall be in place for a period not to exceed 14 days.

12. Fence signs that are located on the inside of a fence and are used in conjunction with athletic events for the sale of advertising on behalf of the athletic events occurring on the site.

B. Prohibited Signs. It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for any sign or advertising structure listed in this section.

1. Signs erected within the right-of-way of any street, along any driveway, or in any other location which do not meet the requirements of Section 5.640.A.3; or by reason of the location, shape, color, animation, or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists, bicyclists, or pedestrians.
2. Temporary signs, except as permitted under Section 5.640.A.2.
3. No sign shall be erected or maintained which by use of lights, illumination, sequential illumination, or other form of total or partial illumination, creates an unduly distracting or hazardous condition to a motorist, bicyclist, or pedestrian.
4. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway, standpipe, or fire hydrant; interferes with human exit through any window or any room located above the first floor of the building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
5. Fence signs exceeding one (1) square foot of sign face per 20 feet of fence length in residential zones or one (1) square foot of sign face per five (5) feet of fence length in commercial or industrial zones, excepting temporary signs intended for the sale or lease of the property containing the fence, and excepting internal fence signs as described in Section 5.640.A.12.
6. Signs affixed to power, utility, or traffic control poles other than City-approved traffic control signs and pole identification placards.

Section 5.650. Sign Districts.

- A. Residential Zones. No sign shall be erected or maintained in an R-1 or R-2 zone, except as allowed under Section 5.640.A or as otherwise noted in this section.

1. Permanent apartment, condominium, subdivision, manufactured home park, recreational vehicle park, home occupation or conditional use permit signs:
  - a. Area. A sign may have a maximum area of three (3) square feet per dwelling unit, not to exceed 32 square feet in area. In addition, a conditional use may have a bulletin board sign not exceeding 10 square feet in area that may either be attached to the building or located in a required yard but not in a vision clearance area.
  - b. Subdivisions, manufactured home parks, and recreational vehicle parks may have one sign per vehicular entry to the property, provided the total sign area surfaces shall be no more than 64 square feet in area.
  - c. Height and/or clearance. A free-standing sign shall be limited to a maximum height of six (6) feet above grade.
  - d. No wall sign shall extend above the roof line at the wall or the top of a parapet wall, whichever is higher.
2. Home Occupation Signs. Signs intended to identify the home occupation shall be limited to one non-illuminated sign, attached to the exterior of the building that identifies only the name and type of business or profession. Signs shall be no more than four (4) square feet in area.
3. Illumination. Signs in residential zones may have external illumination only. Sign illumination shall be directed away from streets or adjacent premises. Spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or adjacent premises.
4. No sign shall project into the street right of way or into a vision clearance area.
5. Public signs intended to depict history, scenery, or some aspect of the community and its development, provided the sign is not intended to advertise a specific product, service, or commercial or industrial enterprise, and provided further that the sign shall not extend over a street roadway and shall be limited in size to no more than 16 square feet. The sign may be owned by a public agency or by a private organization such as a chamber of commerce, a tourism promotion organization, or a service club.

The sign shall be permitted as a conditional use subject to the provisions of Sections 8.000 to 8.999 of the Scio Zoning Ordinance.

B. Commercial and Industrial Zones. No sign shall be erected or maintained in the C-1 for LI Zones, except as allowed under Section 5.640.A. or as otherwise noted in this section.

1. Free-standing sign.

a. Sign Area and Number of Signs. The maximum area for all free-standing signs on a premises zoned and used for commercial or industrial purposes shall be 150 square feet for signs with one face and 200 square feet for signs with two faces. Only one free-standing sign shall be permitted for each premise.

b. Height and/or Clearance. Free-standing signs shall not exceed a total height of 22 feet measured from the grade of the property where the sign is to be located. The minimum clearance below the lowest portion of a free-standing sign and the ground below shall be 14 feet in any driveway or parking or loading area.

c. Location. No free-standing sign, or any portion of any free-standing sign, shall be located on or be projected over the property line or within ten (10) feet of a residential zone.

d. Signs in Industrial Zones. One sign per driveway entry is permitted in an industrial zone. The sign may be located in the area between the street right of way and the front yard setback. The sign shall not extend over the street roadway.

2. Wall-mounted and wall-painted signs.

a. Area. Wall-mounted signs shall not exceed in gross area 30 per cent of the face of the building to which the sign is attached or maintained. Wall-painted signs may cover up to 100 per cent of the area of one face of the building but shall not exceed 30 per cent of the area of all faces of the building.

b. Height and/or clearance. No wall-mounted sign shall extend above the roof line at the wall or the top of the parapet wall, whichever is higher.

- c. Number. No limit, dictated by area requirements.
- d. Murals. Murals are not considered to be wall-mounted or wall-painted signs and are not subject to the requirements of this Ordinance.

3. Projecting signs.

- a. Area. Projecting signs shall not exceed in gross area 20 per cent of the face of the building to which the sign is attached. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 30 per cent of the face of the building.
- b. Height and/or clearance. No projecting sign shall extend above the roof line at the wall or top of a parapet wall, whichever is higher. There shall be at least eight (8) feet of clearance between the bottom of the sign and the grade. Signs shall not project over the street roadway or more than four (4) feet into the street right of way.

4. Roof signs. Roof signs shall not be permitted.

5. Illumination. Signs in commercial and industrial zones may be illuminated internally, or the lights used to indirectly illuminate signs shall be placed, shielded, or deflected so as not to shine into a dwelling or to impair the vision of the driver of any vehicle.

6. Fence Signs. Fence signs shall not exceed one (1) square foot in area per five (5) feet of fence length.

7. Conditional Use Signs. The following signs shall be permitted as conditional uses subject to the provisions of Sections 8.000 to 8.999 of the Scio Zoning Ordinance.

- a. Moving signs or flashing signs, electronic message center signs, changing signs (automatic) and revolving signs or any sign which has any visible moving part or visible mechanical movement of any description; excepting signs such as clocks, barber poles, or electronic time and temperature signs which are permitted outright.
- b. Sign requests that are subject to conditional use review as outlined in this section shall be submitted to the Oregon Department of Transportation (ODOT) as part of the conditional use permit review process when such sign is

located in the C-1 or LI zone and the sign is for a business or industrial use located adjacent to Highway 226.

8. Off-premise signs Off-premise signs shall be permitted only on vacant premises located within a commercial or industrial zone. Only one sign per street frontage is permitted, and the maximum area for all faces of the sign shall be a total of 32 square feet.
9. Residential Signs. Subdivision, apartment, condominium or manufactured home park sign standards that apply in a residential zone shall also apply in a commercial zone.

Section 5.660. Sign Construction and Maintenance.

- A. Construction Requirements. Except as otherwise provided for in this Zoning Ordinance, the construction of all signs or sign structure shall conform to the applicable provisions of the State of Oregon Building Code, Fire Code, and Electrical Code.
- B. Maintenance Requirements. All signs and the site upon which they are located shall be maintained in a neat and attractive condition. All signs, together with their supports, braces, guys, and anchors, shall be constructed of materials that are durable and weather-resistant.

Section 5.670. Removal of Signs in Violation.

- A. Abandoned Sign.
  1. Time limit. Abandoned signs and their supporting structures shall be removed within 180 days by the owner or lessee when the business or activity that it advertises or identifies is no longer conducted on the premises.
  2. Notice given. If the owner or lessee fails to remove the sign within the specified time period, the Zoning/Building Official shall give the owners 15 days written notice to remove it, or the penalty provisions of Sections 11.100 of the Scio Zoning Ordinance shall go into effect.
- B. Unsafe Sign.
  1. Time limit. The Linn County Building Official or the Zoning/Building Official may cause any sign and/or sign support structure which is determined to be a hazard to persons or property to be either removed immediately or repaired to current

construction standards. A sign that is determined to be a hazard is one that has a broken or weakened support structure, or one with broken parts on the sign or sign support structure.

2. Notice given. Two (2) days notice shall be given, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

## ARTICLE 6. DWELLING REQUIREMENTS

Section 6.100. Manufactured Home Requirements. A manufactured home located on an individual lot shall comply with the following requirements:

- A. The manufactured home shall comply with the lot size and width, height, setback, and lot coverage requirements of the residential zone in which it is situated.
- B. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- C. The manufactured home shall have a pitched roof with a minimum pitch of three (3) feet in height for every 12 feet in width (3:12).
- D. The manufactured home shall be completely enclosed at the perimeter with a base composed of either: concrete, concrete block, brick, stone, or combination thereof. The perimeter enclosure shall comply with state ventilation and access opening standards. The perimeter enclosure shall include the equivalent of a flow-through foundation as required in Section 5.130 of this ordinance.
- E. The manufactured home shall have gutters and downspouts which drain into the city's storm drain system or into dry wells in accordance with city and state regulations.
- F. The manufactured home shall be placed on a foundation that complies with the Scio Flood Plain Management Ordinance, Federal Emergency Management Administration (FEMA) requirements, and Oregon State Building Code requirements. The crawl space underneath the manufactured home shall be at least 18 inches from the grade level to the floor joists of the manufactured home. The flow-through foundation requirements of Section 5.130 shall be met.
- G. The manufactured home shall be placed upon and securely anchored to a foundation and anchoring system which is in compliance with state requirements.
- H. The manufactured home shall have tie-downs which meet city and state standards and which are installed in accordance with city and state regulations and with the City of Scio Flood Plain Management Ordinance.
- I. Each entry to the manufactured home shall be accessible by a porch which is at least four feet by six feet (4' X 6') in area and is composed of wood or concrete. The pedestrian access entries shall be equipped with railings which are in accordance with state standards. The entry porches shall be

designed and constructed in accordance with state standards and shall be in place prior to occupancy of the manufactured home.

- J. The wheels, tongue, or hitch, and parts which protrude from the perimeter of the manufactured home shall either be removed from the manufactured home or concealed and stored in such a manner that they are not visible from any location beyond the property line.
- K. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- L. The manufactured home shall be connected to the city's water and sewer systems. The connection shall be approved by the city prior to occupancy of the manufactured home, and necessary permits shall be obtained from the city.
- M. The manufactured home shall have an approved manufactured home placement permit requiring it to be installed in accordance with state standards.
- N. Prior to the location or relocation of a manufactured home on a lot, the owner or his authorized representative shall apply for and receive a placement permit from the city. A filing fee in accordance with a fee schedule adopted by the city shall be submitted with the manufactured home placement permit. The approved placement permit shall indicate that the manufactured home and its location conform to this ordinance and to all other applicable state and local laws or administrative rules. An application for a placement permit shall be accompanied by:
  - 1. A plot plan, drawn to scale, showing the proposed location of the manufactured home and accessory structures on the lot and including the exterior dimensions of the manufactured home and setbacks from all property lines.
  - 2. Information indicating the exterior length and width dimensions of the manufactured home; and the materials, design and necessary dimensions of the roof, foundation support system, and perimeter crawl space enclosure, including plans for the equivalent of a flow-through foundation.
  - 3. A statement signed by the owner of the manufactured home, or his authorized agent, pledging full compliance with this ordinance.

- O. The placement permit shall remain in effect for six (6) months after the date of approval by the city. If the manufactured home has not been placed on the property by the end of the six (6) months, the owner may request an extension not to exceed an additional six (6) months. The permit is automatically canceled if the manufactured home has not been placed on the property by the end of the second six (6) month time period.
- P. The manufactured home shall not be occupied until all provisions of this ordinance have been met, and the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met. Permanent water supply shall be provided to the manufactured home only after the city recorder and building official certify that all city and state requirements have been met.
- Q. If the manufactured home is to be removed from its permanent supports, the owner of the property shall agree in writing to remove the supports, the manufactured home, and all additions thereto (except for the garage or carport) from the property and to permanently disconnect and secure all utilities. This agreement shall authorize the city to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 30 days from the date the manufactured home is to be removed from its supports. This condition shall not apply in the event that a placement permit for a replacement manufactured home has been approved by the city within 30 days of the removal of the original manufactured home. The replacement shall conform in all respects with the provisions of this ordinance.

Section 6.200. Multi-Family Dwelling and Residential Dwelling Complex Requirements. Multi-family dwellings and Residential Dwelling Complexes shall comply with the standards as specified for the R-2 zone and with the requirements of Sections 6.200, 6.210, 6.220, and 6.230 of this ordinance.

Section 6.210. Procedure for Review and Action - Multi-Family Dwelling and Residential Dwelling Complex Review.

- A. Application. An application and filing fee for a multi-family dwelling or for a Residential Dwelling Complex shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 11.020 and with this section. The application shall also be accompanied by a site plan as specified in Sub-Section B of this section. The City shall not accept the application until the City Recorder determines that it is complete.
- B. Site Plan for Multi-Family Dwelling or Residential Dwelling Complex. The application for Multi-Family Dwelling or Residential Dwelling Complex shall be accompanied by six copies of a site plan. The site plan

shall show the general layout of the property where the development is to be sited, shall meet the requirements of Section 11.020, and shall show the following information:

1. The number of dwelling units to be placed on the property, including information pertaining to the size of the dwelling unit and the number of bedrooms by type of unit (i.e. studio apartment).
2. The location and dimensions of each existing or proposed building, the distance from all property lines for all buildings to be located on the property and the distances between the buildings.
3. The location, pavement width, and type of surfacing for all streets abutting the proposed development and for those streets which are intended to serve as primary access to the proposed development. The location, width, and intended ownership and maintenance responsibility of the access driveways and any interior access roads serving the property, and of walkways serving the property.
4. The location, width, and surfacing for all sidewalks and pathways to be located on the property.
5. The design, location and dimensions of the parking lot, the number of parking spaces to be accommodated, and the locations and dimensions of each parking space.
6. The location and dimensions of recreation and play areas and a detailed site plan for the recreation and play area.
7. Detailed site plans for water, sewer, drainage, fire hydrants, and other fire protection facilities.
8. A plan for the location of refuse containers on the site including how the containers will be screened from view.
9. A plan for the location and dimensions of any identification signs to be placed on the site.
10. A plan for buffering, screening, fencing, and landscaping. The plan shall show natural preservable features on the property such as trees.
11. When the proposed development shall contain six (6) or more dwelling units, an architectural rendering of the project, showing typical views of the property which would be seen from the street or abutting properties.

12. Proposed ownership pattern and means of maintaining the property.

C. Process for Review and Action on a Multi-Family Dwelling or Residential Dwelling Complex.

1. Before submitting the application and site plan to the Planning Commission, the Zoning/Building Official shall require reports from the Scio Rural Fire Protection District and from other affected organizations and agencies. The Zoning/Building Official shall submit the reports from these organizations and agencies to the Planning Commission along with the application and the site plan.
2. Upon acceptance of the application, it shall be reviewed and acted upon by the Planning Commission. The Planning Commission shall consider the application at a public hearing to be held at least 35 days after acceptance of the application. The public hearing shall be held in accordance with the provisions of Sections 11.030 and 11.040. The Planning Commission shall take action within 35 days of the initial public hearing.
3. The Planning Commission shall either: approve the application as submitted, approve the application with modifications or conditions, or deny the application. Action taken by the Planning Commission shall be based on the criteria for review as specified in Sub-section D of this section.
4. A decision of the Planning Commission may be appealed to the City Council in accordance with the provisions of Section 11.010 of this ordinance. The City Council shall follow the same hearing and notice procedures as for the Planning Commission. The Council decision shall be based on the criteria for review as specified in Sub-section D of this section.

D. Criteria for Review of Application for Multi-Family Dwelling or Residential Dwelling Complex. A decision to approve or deny an application for a Multi-Family Dwelling or Residential Dwelling Complex shall be based on the following criteria:

1. The streets serving the development are adequate in width, surfacing and condition to handle emergency response vehicles and the anticipated traffic which would result from development of the property as proposed in the application.

2. City water supply and sewerage disposal lines are available to serve the property. The lines as well as the storage and treatment facilities shall have adequate capacity to serve the property development as proposed in the application.
3. The site plan for drainage as approved is adequate to serve the property and the entire proposed development will not result in additional drainage problems for properties within the surrounding area.
4. Development of the property as proposed in the application is compatible with existing development situated within 500 feet of the property. It is also compatible with possible future development in the surrounding area as indicated by the Scio Comprehensive Plan. In order to help assure compatibility, the City shall utilize the development standards as outlined in Section 6.220.

E. Multi-Family Dwelling or Residential Dwelling Complex Construction Permit. After approval of the site plan application as outlined in the preceding sub-sections of this section, the owner or his authorized agent shall apply for and receive a multi-family dwelling or residential dwelling complex construction permit from the city. A filing fee in accordance with a fee schedule adopted by the city shall be submitted with the construction permit. The approved construction permit shall show that all the structures and the surrounding development on the property conform to this ordinance and with the site plan as approved under the provisions of this section. An application for a construction permit shall be accompanied by:

1. A plot plan, drawn to scale, showing the proposed location of all of the structures on the property, the setbacks from the property lines, and the location and type of landscaping, fencing, screening, off-street parking, access driveways and/or roads, lighting fixtures, refuse containment areas, drainage and other site improvements as indicated in the site development plan as approved.
2. A statement signed by the owner and the developer of the proposed development pledging full compliance with this ordinance.

F. Completion of Development. The construction permit shall remain in effect for six (6) months after the date of approval by the city. If construction on the development has not commenced by the end of the six (6) months, the owner may request an extension not to exceed an additional six (6) months. The permit is automatically canceled if

construction of the development has not commenced at the end of the second six (6) month period.

- G. Occupancy of the Development. The development shall not be occupied until all provisions of this ordinance have been met, and the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met. Permanent water supply shall be provided to the development only after the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met.

Section 6.220. Standards Applicable to Multi-Family Dwellings and Residential Dwelling Complexes.

- A. Open Area. All areas of the development which are not used for buildings, driveways and access roads, off-street parking, or refuse containment shall be developed as open space, with appropriate landscaping. A minimum of 15 per cent of the site shall be designated as open space. The open space areas may include outdoor recreation and play areas, and pathways as well as landscaping. The site plan shall clearly designate the areas to be retained as open space.
- B. Buffer. A buffer shall be provided on each side of a property which abuts or is across a street or alley from property within an R-1 or R-2 zone or which is used for residential purposes. The buffer shall be a minimum of ten (10) feet in width. The buffer shall consist of landscape planting plus a fence, wall, evergreen hedge or similar vegetative screen utilized where necessary to screen the property from adjoining residential properties. Buffer areas may not be used for buildings, parking, driveways or roads, except where it is necessary to cross the buffer to provide vehicular ingress or egress to the property. Buffers may be used for landscaping, sidewalks, pathways, and for utility placement.
- C. Access to a Public Street. The development shall have direct access to a publicly owned and maintained street with a minimum roadway width of 36 feet. The abutting streets shall be improved to city standards if findings of fact show that these streets are inadequate in width, condition, and surfacing to accommodate the anticipated traffic to and from the development.
- D. Access Driveways and Roads.
1. Driveways providing ingress and egress to the property shall be located a minimum of 40 feet from a street intersection, and shall be designed to cause minimum interference with traffic movement on abutting streets.

2. Driveways shall have a width of 12-16 feet to handle one-way traffic and 24-32 feet to handle two-way traffic.
  3. For a large multi-family or residential dwelling complex with 20 or more dwelling units, an interior road access system within the development may be required. Any required interior access roads shall be paved to city standards and shall have a minimum width of 24 feet. No parking shall be permitted on interior access roads which are no greater than 24 feet in width. Parking shall be limited to one side of the street for interior access roads which are 25-31 feet in width.
  4. Interior access roads shall be owned and maintained as part of the development unless the City accepts the roads for ownership and maintenance as part of the process of approving the application.
  5. Each interior access road shall be named and marked with signs which are similar in appearance to those used to identify city streets. A map of the interior access roads, together with the assigned number for each dwelling, shall be provided to the City Recorder and to the Scio Rural Fire Protection District.
- E. Walkways. Paved walkways of not less than four (4) feet in width and which meet ADA standards shall be provided to connect each residential building to the street. Sidewalks not less than six (6) feet in width shall be required to extend along each street bordering the property where the development is located.
- F. Parking Areas. Off-street parking areas shall be set back a minimum of 15 feet from property lines abutting a street and 10 feet from property lines abutting a lot used for residential purposes or located within an R-1 or R-2 zone. Handicapped parking spaces in accord with ADA standards shall be provided. Off-street parking areas shall be paved to city standards.
- G. Fire Protection. Adequate fire protection shall be provided to the development. The Scio Rural Fire Protection District and the Scio City Engineer shall review all development applications and make specific recommendations related to fire protection.
- H. Underground Utilities. All utilities shall be placed underground.
- I. Review of Plans. Plans for access driveways and roads, walkways, drainage, water, sewer, and fire protection shall be designed to City standards, shall be approved by the City prior to occupancy of the development and necessary permits shall be obtained from the City.

- J. Connection to City Water and Sewer. The development shall be connected to the City water and sewer systems. The connection shall be approved by the City prior to occupancy of the development and necessary permits shall be obtained from the City.
- K. Refuse Containers. Any refuse container or disposal area shall be screened from view from a public street, from a residence, or from property in an R-1 or R-2 zone by placement of a solid wood fence, evergreen hedge, or similar attractive fence, hedge, or wall to be used as a visual screen. The screen shall be at least five (5) feet in height. All refuse materials shall be contained within the screened area. No refuse container shall be placed within 10 feet of a dwelling window. Refuse containers shall be of adequate capacity to accommodate the need for the number of dwelling units within the development.
- L. Addresses. Each dwelling unit within the development shall be given a separate address which shall either be a standard city address or a unit or apartment number. For larger complexes (20 or more units), a unit or apartment number is preferred. The numbers shall be at least three inches (3") in height and shall be easily visible both during the day and at night. The addressing system to be used shall be approved by the City Administrator. The number, or set of numbers for a building in a larger development, shall be easily visible and identifiable from the city street or interior access road which serves the unit.
- M. Flood Plain. The development shall comply with the City of Scio Flood Plain Management Ordinance standards and requirements. Any portion of the property to be developed for buildings, access roads or driveways, walkways, and recreation and play areas shall not be located in a floodway.
- N. Maintenance of Premises. The owner of the development shall be responsible for maintaining the property in a neat and clean manner and for minimizing all health and safety hazards. Landscaping shall be maintained in a neat and attractive manner and kept free of dead and dying vegetation. Refuse containers shall be used for the storage of all garbage and debris. Fences shall be maintained in a condition of reasonable repair and shall not remain in a condition of disrepair including noticeable leaning, broken supports, missing sections, or replaced or supplemented with weeds or noxious vegetation.

Section 6.230. Expansion or Alteration of Multi-Family or Residential Dwelling Complexes. Existing multi-family dwellings or residential dwelling complexes may be expanded or altered. However, any expansion or alteration project shall require the filing

and approval of an application in the same manner as for a new multi-family dwelling or residential dwelling complex.

Section 6.300. Manufactured Home Park Requirements. Manufactured home parks shall comply with the requirements of Sections 6.310 to 6.370 and with state statutes and administrative rules pertaining to manufactured home parks.

Section 6.310. Plans to be Submitted for Manufactured Home Parks. The application to construct a new manufactured home park or to expand an existing manufactured home park shall be accompanied by six copies of the plot plan of the proposed park. The plot plan shall show the general layout of the manufactured home park and shall be at a scale of one inch equals 50 feet (1"=50') or one inch equals 100 feet (1"=100') depending on the size of the park. In addition to the application requirements specified in Section 11.020, the application and [The} drawings shall show the following information:

- A. Location and dimensions of each manufactured home space, with a number for each space.
- B. Location, dimensions, and proposed use of each existing or proposed building.
- C. Location and width of interior access roads and walkways.
- D. Location of each lighting fixture for lighting the manufactured home spaces and grounds.
- E. Location of recreation and play areas and of recreation buildings, area and dimensions of these areas, and a detailed site plan for each recreation and play area.
- F. Detailed site plan for water, sewer, drainage, fire hydrants, and other fire protection facilities.
- G. Enlarged plot plan of a typical manufactured home space.

Section 6.320. Site Requirements. Each manufactured home park shall meet or exceed the following requirements:

- A. The park shall have direct access to a publicly owned and maintained street with a minimum roadway width of 36 feet.
- B. Any portion of the park to be developed for buildings, interior access roads, walkways, recreation and play areas, and manufactured home spaces shall not be located in a floodway.

- C. The manufactured home park owner shall be responsible for maintaining the park in a clean and neat manner and for minimizing all health and safety hazards. Landscaping will be maintained in a neat and attractive manner and kept free of all dead and dying vegetation.

Section 6.325. Density and Dimensional Standards for Manufactured Home Parks and Spaces.

- A. The minimum area for a manufactured home park shall be one acre.
- B. The maximum development density for a manufactured home park shall be one unit per 8,000 square feet of area within the exterior boundaries of the park. For that portion of the manufactured home park located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City and the Flood Hazard Ordinance of the City of Scio, the maximum development density shall be one unit per 10,000 square feet.
- C. The minimum size of an individual manufactured home space shall be 5,000 square feet.
- D. The minimum distance between manufactured homes shall be 15 feet.
- E. The minimum distance between a manufactured home and a community, service, recreation or other building in the park shall be 15 feet.
- F. The minimum distance between a manufactured home and an interior access road shall be 10 feet.
- G. The minimum distance between a manufactured home and a walkway serving the park shall be six and one-half feet (6 1/2').
- H. All manufactured homes shall be set back a minimum of 25 feet from the right of way of a street outside the boundaries of the park and 10 feet from all other exterior property lines.

Section 6.330. Manufactured Home Park Improvement Requirements. All manufactured home parks shall meet or exceed the following requirements:

- A. The manufactured home park developer may be required to bring abutting streets up to city standards if findings of fact show that these streets are inadequate in width and surfacing to accommodate the anticipated traffic to and from the manufactured home park.
- B. The interior access road system within a manufactured home park shall have direct access to a publicly owned and maintained street adjacent to the park. If the manufactured home park contains spaces for 20 or more

manufactured homes, the park shall have two or more connections to the adjacent public streets via the interior access road system. The interior access roads shall be paved. The roadway widths shall be a minimum of 32 feet.

- C. All manufactured home spaces shall have direct access to an interior access road and shall not have direct access to a street outside the boundaries of the park.
- D. Paved walkways of not less than four feet (4') in width and which meet ADA standards shall be provided to connect each manufactured home space to community, recreation and service buildings, and to recreation and play areas. The walkways shall provide for adequate pedestrian circulation throughout the park.
- E. All interior access roads and walkways within the park shall be adequately lit at night.
- F. Each interior access road within the park shall be named and marked with signs which are similar in appearance to those used to identify city streets. A map of the named interior access roads, together with the assigned number for each manufactured home space, shall be provided to the Zoning/Building Official and to the Scio Rural Fire Protection District.
- G. A separate area within the park shall be set aside for the outdoor storage of recreation vehicles and similar equipment owned by residents of the manufactured home park.
- H. Plans for interior access roads, walkways, drainage, water, sewer and fire protection shall be designed to city standards, shall be approved by the city, installed under the supervision of the city, and implemented at the time of manufactured home park development.
- I. Adequate fire protection shall be provided to the manufactured home park. The Scio Rural Fire Protection District Chief and the Scio City Engineer shall review all manufactured home park applications and make specific recommendations related to fire protection. Fire hydrants shall be located along all interior access roads and shall be no more than 500 feet from each manufactured home space.
- J. All utilities shall be placed underground.
- K. Screening shall be provided on each side of a manufactured home park that abuts or is across a street or alley from an area within a residential zone. The screening shall effectively screen the manufactured home park from view and shall consist of a sight-obscuring wall, fence, evergreen

hedge, or combination thereof. The screening shall be maintained in good condition.

- L. All areas of the manufactured home park not used for manufactured home spaces, interior access roads, off-street parking, walkways, buildings, recreation and play areas, or recreation vehicle storage areas shall be completely and permanently landscaped.

Section 6.340. Manufactured Home Space Requirements. Each manufactured home space shall meet the following requirements:

- A. Structures located in a manufactured home space shall be limited to a storage building, ramada, or carport. The storage building, ramada, or carport may be combined as one structure. No structural additions shall be built onto or made a part of any manufactured home, except for rain flashing and no manufactured home shall support any building in any manner. The construction of an awning, patio cover, or cabana adjacent to a manufactured home is not considered as a structural alteration and is permitted.
- B. Each manufactured home space within the park shall be given a designated space number which shall be placed at a location which is easily visible and identifiable from the interior access road serving the space. The numbers shall be at least three inches (3") in height. They shall also be reflective and placed upon a reflective background in order to be easily visible both during the day and at night.
- C. One permanent storage building containing a minimum of 48 square feet of floor area shall be provided for each manufactured home space. The building height shall not be less than seven feet nor more than 12 feet.

Section 6.350. Standard for Manufactured Homes in a Manufactured Home Park. All manufactured homes to be located within a manufactured dwelling park shall meet the following standards:

- A. Each space within a manufactured home park shall be occupied by manufactured homes as defined by this ordinance.
- B. Each manufactured home located within the manufactured home park shall meet the state standards for manufactured home construction.
- C. Each entry to the manufactured home shall be accessible by a porch which is at least four feet by six feet (4' X 6') in area and is composed of wood or concrete. The pedestrian access entries shall be equipped with railings which are in accord with state standards. The entry porches shall be

designed and constructed in accordance with state standards and shall be in place prior to occupancy of the manufactured home.

- D. The manufactured home shall be enclosed at the perimeter of the base with skirting composed of weather resistant materials. Below grade level and for a minimum distance of six inches (6") above grade, the materials shall be resistant to oxidation. The perimeter enclosure shall comply with state ventilation and access entry standards.
- E. The manufactured home shall contain a floor area of not less than 400 square feet.
- F. The manufactured home shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.
- G. The manufactured home shall have a pitched roof. The slope of the roof shall be at least three (3) feet in height for each 12 feet in width.

Section 6.360. Expansion or Alteration of Manufactured Dwelling Parks. Existing manufactured home parks may be expanded or altered after a conditional use permit has been approved by the city. The application will be filed and processed in the same manner as an application for a new manufactured home park.

Section 6.370. Manufactured Dwelling Park Hearing Process. Before submitting the plan to the Planning Commission, the Zoning/Building Official shall require reports from the Scio Rural Fire Protection District, the City's Certified Building Official, and other affected agencies. The Zoning/Building Official shall then submit the application, manufactured home park plan, and the agency reports to the commission for their review and action at the scheduled public hearing. If the planning commission finds that the manufactured home park complies with the provisions of this ordinance, the commission shall approve the issuance of a conditional use permit. The commission may attach conditions to fulfill the requirements and standards of this ordinance.

Section 6.400. Manufactured Dwelling Hardship Requirements. Hardship manufactured dwellings shall meet the procedures and requirements as outlined in Sections 6.400 to 6.490.

Section 6.410. Criteria for Review of Hardship Manufactured Dwellings. The Commission will review the request for placement of a hardship manufactured dwelling. Hardship manufactured dwellings will be placed on lots only after the Commission finds that:

- A. The manufactured dwelling will be a second dwelling on a parcel with an existing residence.

- B. The manufactured dwelling will be temporary. The manufactured dwelling shall be removed within 90 days when the hardship no longer exists. The City may require bonding to facilitate removal of the manufactured dwelling.
- C. The manufactured dwelling will be occupied by a family member(s) of the person(s) residing in the existing residence.
- D. The occupant(s) of the manufactured dwelling is partially dependent upon the person(s) residing on the parcel.
- E. No alternative method of alleviating the hardship is readily available to the family. A hardship normally is either a medical hardship experienced by the applicant that requires immediate availability of family assistance or a severe economic hardship experienced by the applicant.
- F. There shall be only one (1) water hookup and (1) sewer hookup serving both the principal dwelling on the property and the medical hardship manufactured dwelling.
- G. The value, use, and enjoyment of neighboring properties will not be adversely affected.
- H. The granting of the permit will alleviate substantial personal hardship for the occupant.

Section 6.420. Application for Hardship Manufactured Dwelling. An application and filing fee for a Hardship Manufactured Dwelling shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 11.020. The application shall be accepted at least 20 days prior to the date of the scheduled public hearing before the Planning Commission.

Section 6.430. Notice and Hearing for Hardship Manufactured Dwelling. Before the Planning Commission may act on an application for a Hardship Manufactured Dwelling, it shall first hold a public hearing in accordance with the provisions of Sections 11.030 and 11.040. After the public hearing is closed, the Planning Commission shall either: approve, deny, or approve with conditions or modifications, the application.

Section 6.440. Conditions of Approval for Granting a Hardship Manufactured Dwelling. In granting the right to an occupancy permit, for a hardship Manufactured Dwelling, the Commission may attach conditions which it deems reasonable and appropriate.

Section 6.450. Annual Renewal of Hardship Manufactured Dwelling Permit. The Zoning/Building Official shall review hardship manufactured dwelling on an annual basis and may refer the annual review to the Commission for a determination as to whether the hardship mobile home continues to meet the standards of this Ordinance. At the time of

review, each permit holder shall be required to verify, in writing, that the hardship situation has not changed substantially, and that the bonding for the amount as set by the Commission is continuously in force.

## ARTICLE 7. NONCONFORMING USES AND STRUCTURES

Section 7.000. Continuation of Nonconforming Use or Structure. A nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended, unless it meets the standards and procedures of Sections 7.000 to 7.999. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance, or an amendment to this ordinance that makes the use nonconforming, is permitted.

Section 7.010. Nonconforming Structure. A structure conforming as to use but nonconforming as to height, setback, coverage or other dimensional standard may be altered or extended providing the alteration or extension does not exceed the height, setback, coverage or other standard of this ordinance.

Section 7.020. Discontinuance of a Nonconforming Use.

- A. Except as provided for in Section 7.020.B, if a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use. Extension of the time period for more than one (1) year may be granted by the Commission under circumstances of personal or economic hardship on the part of the property owner.
- B. A pre-existing dwelling in the C-1 or LI zone may continue to be used for residential purposes regardless of whether it has been discontinued from active use for a period of one (1) year.

Section 7.030. Change of a Nonconforming Use. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone and, after changed, it shall not be changed back to a nonconforming use.

Section 7.040. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is affected by fire, casualty or natural disaster, (damaged, demolished, or destroyed), it may be restored, provided the restoration shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster. Extension of the one (1) year time period may be granted by the Commission under extenuating circumstances.

Section 7.050. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a building for which construction work has commenced prior to the adoption of this ordinance provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time this ordinance is adopted.

Section 7.060. Repairs and Maintenance. Any building housing a nonconforming use may be maintained or restored to conform to the standards of the Building Code in effect within the City of Scio, including repair or replacement of fixtures, wiring or plumbing, provided the building is not increased in cubic content or floor area.

## ARTICLE 8. CONDITIONAL USES

Section 8.000. Purpose of Conditional Use Permits. A conditional use is a use that may be appropriate, desirable, convenient, or necessary in the zone in which it is allowed but which by virtue of a feature of that use could create a problem within the area such as the creation of traffic or parking problems, excessive height or bulk, congestion, a potential nuisance, or a health or safety hazard. It is the intent of Sections 8.000 to 8.999 to provide standards and procedures for uses that are classified as conditional to fit into a particular zone in a manner so that the best interests of the surrounding property, the neighborhood, and the City are safeguarded.

Section 8.010. Authorization to Grant or Deny Conditional Uses. Uses designated as conditional in this ordinance may be allowed, enlarged, or changed only upon authorization by the Commission in accordance with the standards and provisions of Sections 8.000 to 8.999 of this Ordinance. In the case of a use existing prior to the effective date of this Ordinance and which is classified in this Ordinance as a conditional use, or of a previously approved conditional use, any change in use or in lot area, or any alteration of the structure that will change the intensity of use or the external appearance of the structure shall conform with the requirements dealing with conditional uses.

Section 8.020. Application for a Conditional Use. An application and filing fee for a Conditional Use Permit shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 11.020. The application shall be accepted at least 35 days prior to the date of the scheduled hearing before the Commission.

Section 8.030. Notice and Hearing on a Conditional Use. Before the Commission may act on an application for a conditional use, it shall first hold a public hearing in accordance with the provisions of Sections 11.030 and 11.040. After the public hearing is closed, the Commission shall either: approve, deny, or approve with conditions or modifications, the application. In making its decision, the Commission shall use the criteria as specified in Section 8.060. The hearing shall be held within 45 days after the application for the conditional use is filed.

Section 8.040. Recess of the Hearing by the Commission. The commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the commission shall announce the time and date when the hearing will be resumed.

Section 8.050. Notification of Action. Within five days after a decision has been rendered, the Zoning/Building Official shall provide the applicant with written notice of the commission's action on the request for a conditional use.

Section 8.060. Criteria for Approving or Denying a Conditional Use Permit. The decision to approve a conditional use shall be based upon a determination that the following criteria have been met:

- A. The location, size, design, and operating characteristics of the proposed development are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- B. The proposed development site has the physical characteristics needed to support the use considering factors such as potential flooding or drainage problems, sufficient space to effectively accommodate necessary off-street parking and loading, and access to a public street.
- C. The proposed development will not unduly affect the capacity of the current public facilities, including streets and utility systems.
- D. The proposed development is consistent with the goals and policies in the comprehensive plan.

Section 8.070. Conditions of Approval for a Conditional Use Permit. In permitting a conditional use or the modification of an existing conditional use, the Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, any additional conditions which the Commission considers necessary to protect the best interests of the surrounding property, the neighborhood, or the City as a whole. Those conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimensions.
- B. Limiting the height, size and location of buildings.
- C. Controlling the location, design and size of vehicle access points and of off-street parking and loading spaces.
- D. Increasing the number of off-street parking and loading spaces.
- E. Limiting the number, size, and location of signs.
- F. Requiring fencing, screening and landscaping to protect adjacent property.
- G. Limiting the time and manner in which a particular activity may take place.
- H. Placing restraints to limit environmental effects such as noise, vibration, air pollution, glare or odor.
- I. Requiring internal improvements to the property such as utilities, drainage facilities, streets, curbs, gutters, walkways, or recreation areas.

- J. Requiring a performance bond or its equivalent to assure development of the conditional use as approved.

Section 8.080. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

- A. Setback. In a residential zone, the setback from the property line for each yard shall be at least two-thirds the height of the principal structure.
- B. Height exception. A church or governmental building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet.
- C. Limitation on access to property and on openings to buildings. The city may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the use will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.
- D. Utility Station or Substation. In the case of a utility station or substation, the minimum lot size requirement may be waived if it is determined that the waiver will not have a detrimental effect on adjacent property.
- E. Nursing homes, rest homes, homes for the aged, sanitariums, and convalescent homes.
  - 1. In addition to the conditional use permit procedures and standards, nursing homes, homes for the aged, sanitariums, and convalescent homes shall meet the criteria and standards applicable to multi-family dwellings and residential dwelling complexes.
  - 2. The distance from and ease of travel to commercial, social, and education activities, services, and developed parks shall also be addressed.
- F. Drainage Plan. A drainage plan shall be submitted with the application for a conditional use permit and shall be approved by the City Engineer prior to approval of the conditional use permit.
- G. Recreational Vehicle Park or Campground.
  - 1. Six (6) copies of the plot plan of the proposed park or park alteration or expansion shall accompany the application for a conditional use permit to construct, expand or alter a recreational

vehicle park or campground. The plot plan shall show the general layout of the Recreational Vehicle Park or Campground and shall be a multiple of one inch equals ten feet (1" = 10') but no smaller than one inch equals 100 feet (1" = 100'). The drawings shall show the following information:

- a. The name, address, and telephone number of the person who prepared the plans, the person who owns the property, and the person who will be the manager of the park.
  - b. The proposed name of the park and the address of the park.
  - c. The north arrow and the scale of the plan.
  - d. A plot plan showing the property line boundaries of the park as well as the general layout of the park, including the location and designation of each space (by number or letter); the location of areas and designation of spaces to be set aside for tent camping; the location of spaces to be set aside for the handling of pets; the permanent buildings to be on site such as washroom, caretaker residence, or recreation building; the location, surfacing, and width of roads and sidewalks; connections of roads to the city street system; plans for parking; and plans for play areas, screening, fencing and landscaping.
  - e. Site details including the size and number of recreational vehicle spaces and tent camping spaces.
  - f. Typical space detail including the dimensions of the space; the fixed facilities in each space such as the recreational vehicle pad, patio, cleanable fire pits or cooking facilities;
  - g. Plans for sewer, water, drainage, fire protection, garbage collection facilities, natural gas and electricity distribution, and outdoor lighting.
2. Site Requirements. Each Recreational Vehicle Park or Campground shall meet the following requirements:
- a. The Recreational Vehicle Park or Campground shall have direct access to a publicly owned and maintained street.
  - b. No developed portion of the Recreational Vehicle Park or Campground shall be located in a floodway. The Recreational Vehicle Park shall comply with the provisions

of the Flood Hazard Ordinance and of the Fill and Excavation Ordinance of the City of Scio and with other applicable City, State, and Federal ordinances, statutes, or regulations.

- c. The Recreational Vehicle Park or Campground shall be a minimum of one acre in size.
- d. The minimum space size in the Recreational Vehicle Park shall be 700 square feet. Spaces reserved for tent camping may be somewhat smaller. Spaces shall be designed so that each recreational vehicle or tent shall be no closer than 10 feet to each other or to a caretaker residence, washroom, recreational building or other building that is maintained on site.
- e. Recreational vehicle and tent camping spaces shall be designed so that each recreational vehicle or tent shall be located at least 20 feet from the right of way of a public street and 15 feet from any other exterior property line.
- f. Interior roads within the Recreational Vehicle Park or Campground shall be at least 20 feet in width if no parking is to be provided on the street, 30 feet in width if parking is to be provided on one side of the street, 10 feet in width if it is to be a one-way street with no parking on the street, and 20 feet in width for a one-way street with parking to be provided on the street. Each recreational vehicle or tent camping space shall have direct access to the interior road system. No recreational vehicle or tent camping space shall have direct access to the public street system outside of the park.
- g. The interior roads in the Recreational Vehicle Park or Campground shall be surfaced with asphalt, crushed rock or gravel. A paved roadway shall include provisions for the installation of storm drainage system. The storm drainage system plans shall be designed by a registered Civil Engineer and installed under the supervision of the engineer.
- h. Each recreational vehicle or tent camping space shall be clearly marked. A map of the road system with space numbers shall be provided to the City and to emergency service agencies providing service to the park.

- i. The recreational vehicle spaces shall have pads that are composed of crushed rock or gravel.
- j. The portion of a recreational vehicle spaces not used for the recreational vehicle pad, for an outdoor patio or fire pit, or for off-street vehicle parking shall be completely and permanently landscaped.
- k. Parking shall be provided within the boundaries of the Recreation Vehicle Park or Campground at a ratio of one parking space for each recreational vehicle or tent camping space at each space; plus one common area parking space for each recreational vehicle or tent camping space, plus two spaces reserved for the facility manager.
- l. Each "full service" recreational vehicle space shall be provided with public water supply, sewage disposal and electrical services. "No service" or "water only" recreational vehicle spaces shall be clearly delineated. A sewer dump station shall be provided at the recreational vehicle park. If public water is not available at each space, faucets shall be available within 200 feet of each recreational vehicle or tent camping space.
- m. The exterior edge of the Recreational Vehicle Park or Campground shall be provided with sight-obscuring landscape planting or with a fence supplemented with landscape planting. All areas not used for recreational vehicle spaces, roads, or buildings shall be completely and permanently landscaped. Any fencing that is provided shall be designed and constructed to as not to impede the flow of surface water.
- n. The City shall approve plans for interior access roads, walkways, drainage, fire protection, water, and sewer. The Fire Protection District shall approve plans for roads, fire protection, and for cleanable fire pits or other provision for on-site fire use for cooking or other purposes.
- o. The lighting plan shall show that adequate lighting is provided to meet safety concerns within the park, but shall not reflect glare on any property outside the park.
- p. One freestanding non-illuminated or indirectly illuminated sign identifying the recreational vehicle park or

campground may be permitted at each vehicular entrance to the park. The sign shall not exceed 16 square feet in size.

- q. The Recreational Vehicle Park or Campground shall comply with OAR 918-650, in its current form, and as it shall be amended in the future, and with other applicable standards as administered by the State of Oregon Building Codes Division, or by any other State or Federal agency.
- r. A Recreational Vehicle Park may be combined with a Manufactured Dwelling Park. However, each portion of the park must comply with the applicable City and State standards for the type of facility to be provided.
- s. The Recreational Vehicle Park or Campground manager shall be responsible for maintaining the park in a clean and neat manner that is free of health and safety hazards. Landscaping, fencing, and screening and designated pet and outdoor play areas shall be maintained in a neat and attractive manner.

H. Wireless Telecommunications Facilities.

1. Purposes:

- a. To minimize adverse health, safety, public welfare, or visual impacts of wireless telecommunications facilities through design, siting, landscaping and other visual compatibility techniques.
- b. To encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
- c. To encourage use of technological designs that will eliminate or reduce the need for construction of new tower facilities.
- d. To avoid potential damage to property caused by facilities, by ensuring such structures are sound and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound.
- e. To ensure that wireless communications facilities are compatible with surrounding land uses.

2. Definitions:

- a. Antenna, Wireless Telecommunications. The physical device, commonly in the form of a metal rod, wire panel or dish, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators, police, fire and AM radio are excluded from this definition.
- b. Attached Wireless Telecommunications Facility. A wireless telecommunications facility which is affixed to an existing structure, other than a wireless telecommunications tower.
- c. Co-Location. A wireless telecommunications facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one provider.
- d. Lattice Tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure that often tapers from the foundation to the top.
- e. Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- f. Provider. A company holding a FCC license, that is in business to provide wireless telecommunications services.
- g. Wireless Telecommunications. The transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- h. Wireless Telecommunications Facility (WTF). A facility consisting of the equipment and structures involved in receiving and/or transmitting telecommunications or radio signals.
- i. Wireless Telecommunications Equipment Shelter. The structure in which the electronic radio equipment and relay equipment for a wireless telecommunications facility is housed.

- j. Wireless Telecommunications Tower. A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, and guyed and lattice towers.
  - k. Visual Compatibility Characteristics. Characteristics that minimize the visual impact of a tower or antennas.
3. Standards and Requirements:
- a. Compliance with Government Standards. All facilities shall comply with all federal, state, and city codes, including, but not limited to, FCC and Federal Aviation Administration (FAA) standards.
  - b. Access. Access to any facility shall be approved as a part of the Conditional Use Permit process.
  - c. Height and Setback. The height of a facility shall be measured from the natural, undisturbed ground surface below the center of the base of the proposed facility to the top of the facility, or if higher, the tip of the highest antenna or other transmission or reception device. A wireless telecommunications facility shall not exceed a height of 50 feet in a Residential or Commercial Zone, or 80 feet in an Industrial Zone, or if attached to the top of an existing structure, to a height not more than 10 feet above that structure. If the facility is attached to the tower, the setback of the base of the tower to any other use or property line shall be the same as the setback requirements for the zone, or one-half the height of the tower, whichever is greater.
  - d. Co-location. Co-location of wireless telecommunication facilities is encouraged. New facilities, if technically feasible, will be designed and constructed for three or more antennas/providers to be co-located on the facility and to allow antennas to be mounted at varying heights. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because reasonable costs necessary to adopt the existing or proposed uses to a shared tower.
  - e. Construction. All facilities must meet the requirements of the Oregon Structural Specialty Code.

- f. Design. New facilities will be located in such a manner that they blend in with the background around them, using techniques to ensure visual compatibility. All new WTF towers shall be a monopole or lattice tower structure constructed out of metal or other nonflammable material. All accessory structures shall be designed and constructed so as to be compatible with surrounding land uses or shall be placed underground. The visible exterior surfaces of accessory structures shall be constructed out of nonreflective materials. Towers shall be designed to minimize obstruction to the passage of birds.
- g. Landscaping. Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of vegetation that can reach a minimum height of six (6) feet and will form a continuous hedge. A landscaping plan shall be submitted for the site that assures compatibility with surrounding uses. Landscaping shall be maintained in accordance with the approved plan.
- h. Lighting. No lighting shall be permitted on a WTF except as required for security and as required by the FAA and the Oregon Aeronautics Division. Security lighting shall be placed no higher than 20 feet above the ground and shall be located in such a manner so as not to face directly, shine or reflect glare onto any street right of way, or onto a lot in a residential zone.
- i. Safety. All WTF's shall maintain in place a security program that will deter unauthorized access and vandalism. WTF's shall be enclosed by decay resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device. This standard does not apply to attached WTF's.
- j. Attached Telecommunications Facilities. All attached facilities shall be located and designed to appear to be an integral part of the structure.
- k. Abandonment of Facilities. WTF's that do not have functioning antennas for a period of six (6) months shall be considered abandoned and shall be removed by the owner or operator within 60 days of the time that abandonment has been determined by the Zoning/Building Official. All

evidence of the structure shall be removed from the site and it shall be returned to a natural state.

4. Application Requirements. In addition to the application requirements specified in Section 11.020, the application and accompanying development plan shall include the following:
  - a. Drawings showing the proposed materials, color and design of the proposed facility.
  - b. A map showing all existing wireless communication facility sites operated by the provider within five (5) miles of the exterior boundaries of the Scio City Limits, including a description of the facility at each location.
  - c. If the provider proposes to construct a new facility (tower), all applications shall include findings that demonstrate that it is not legally or technically feasible to co-locate on an existing facility.
  - d. Contents of documentation intended to accompany the plan:
    - (1) Analysis of how the application meets the review criteria for a conditional use permit and the purposes of the WTF standards as outlined herein.
    - (2) Evidence of legal access to the facility site and how that access will be maintained.
    - (3) Evidence that the applicant/provider has the right to use the property (ownership, lease, etc.).
    - (4) Evidence that the facility tower has the structural capacity to carry the antennas of at least three Wireless Communications providers.
    - (5) Evidence of the steps to be taken to assure that the provider will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization, per FCC requirements.
    - (6) Evidence that the WTF is intended to provide service primarily within Scio and the surrounding area.
    - (7) Evidence that the WTF must be located where it is proposed in order that it is technically necessary to service the provider's service area.
    - (8) Evidence that the facility is at the lowest height possible to serve the area and that any gap in coverage can be fulfilled.

- (9) Evidence that at least one provider will be able to use the facility immediately upon construction of the facility.
- (10) The application shall include a written agreement from the property owner that if the provider fails to remove an abandoned WTF, the property owner has full legal and fiscal responsibility for WTF removal.

Section 8.090. Time Limit. A Conditional Use Permit shall be void after six months if a building permit has not been approved and if site development and construction work has not started. If the Conditional Use Permit does not involve the need to obtain a building permit, the applicant shall show evidence to the City that activity related to the Conditional Use has started. The applicant may apply for an extension for an additional six months. The Commission shall review the six-month time period extension request, and take action to approve or deny the request.

## ARTICLE 9. VARIANCES

Section 9.000. Purpose. Occasionally, a piece of property will be unusually shaped, have physical features such as marshy land or steep slope, or have similar physical features such that it cannot be developed under the requirements of the zone in which it is located. Variances from lot size, setbacks, height restrictions, and other dimensional standards in this ordinance can allow the property owner to use the property as provided by this ordinance.

Section 9.010. Authorization to Grant or Deny Variances. The commission may grant variances from the provisions of this ordinance where it can be shown that owing to unusual topographic or drainage conditions, unusual conditions related to the shape of property or the location of structures on the property, or other conditions over which the applicant has had no control, the literal interpretation of this ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting the variance the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this ordinance.

Section 9.020. Application for a Variance. An application and filing fee for a Variance shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 11.020. The application shall be accepted at least 20 days prior to the date of the scheduled hearing before the Commission.

Section 9.030. Notice and Hearing on a Variance. Before the Commission may act on an application for a Variance, it shall first hold a public hearing in accordance with the provisions of Sections 11.030 and 11.040. The Commission may recess a public hearing in order to obtain more information or to serve further notice to persons it decides are affected by the proposed variance. Upon recessing the hearing, the Commission shall announce the time, date and place the hearing is to be resumed. After the public hearing is closed, the Commission shall either: approve, deny, or approve with conditions, the application in accordance with the Criteria for Granting a Variance in Section 9.050.

Section 9.040. Notice to Applicant. The Zoning/Building Official shall notify the applicant in writing within five (5) working days after a decision has been rendered.

Section 9.050. Criteria for Approval or Denial of a Variance. The decision to approve a variance shall be based upon a determination that the following criteria can be met:

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

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- C. The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.
- D. The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

Section 9.060. Time Limit. A variance shall be void after six (6) months if the provisions of the variance have not been implemented. The applicant may apply for an extension for an additional six (6) months. The Commission shall review the six-month time period request, and take action to approve or deny the request.

## ARTICLE 10. AMENDMENTS

Section 10.000. Authorization to Initiate Amendments. An amendment to the text of this zoning ordinance or to the zoning map may be initiated by the City Council, the Commission, or an application submitted by any affected citizen or property owner within the City of Scio.

Section 10.010. Application for an Amendment to the Zoning Ordinance. An application and filing fee for an amendment to the text of this zoning ordinance or to the zoning map which is initiated by an affected citizen or property owner shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 11.020. The application shall be accepted at least 45 days prior to the date of the scheduled Commission public hearing.

Section 10.020. Public Hearings on Zoning Amendment Request. Both the Commission and the City Council are required to hold public hearings on a proposed amendment to either the text of this ordinance or to the zoning map. The Commission shall formulate a recommendation to the City Council on the proposed amendment after holding its public hearing. The City Council shall hold a public hearing prior to making a final decision on the proposed amendment.

- A. Hearing and Notice Before the Planning Commission. Before the Commission may act on an application for a Zoning Amendment, it shall first hold a public hearing in accordance with the provisions of Sections 11.030 and 11.040. The Commission may recess a public hearing in order to obtain additional information or to serve further notice upon property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Commission shall announce the time, date, and place for resumption of the hearing. After the public hearing is closed, the Commission shall formulate and adopt its formal recommendation to the City Council. The Commission recommendation shall be to either: approve, deny, or approve with modifications or conditions, the proposal. In taking action, the Commission shall make findings that the amendment is consistent with the applicable policies of the comprehensive plan.
- B. Hearing and Notice Before the City Council. After the public hearing has been held and recommendations have been made by the Commission, the City Council shall hold a public hearing on the proposed amendment. The City Council shall follow those public notice, public hearing and findings requirements which are applicable to the Commission.
- C. City Council Decision on Amendment. The City Council shall approve the proposed amendment, deny it, or approve it with conditions or modifications. An approval with modifications may represent a partial

approval of the amendment. An approved amendment shall be adopted by ordinance.

Section 10.030. Records of Amendments. The signed copy of an amendment to the text and map of this ordinance shall be maintained without change on file in the office of the City Recorder. The Zoning/Building Official shall maintain a record of the amendment to the text and map of this ordinance in a form convenient for the use of the public.

## ARTICLE 11. ADMINISTRATIVE PROVISIONS

Section 11.000. Enforcement. The Zoning/Building Official shall have the power and duty to enforce the provisions of this ordinance.

Section 11.010. Appeal.

- A. An appeal from a ruling of the Zoning/Building Official shall be made to the Commission. Any action or ruling of the Zoning/Building Official shall become final 15 days after the approval or disapproval is given unless the decision is appealed to the Commission. Written notice of the appeal shall be filed with the Zoning/Building Official. The appellant is responsible for paying the filing fee on an appeal. If the appeal is filed, the Commission shall receive a report and recommendation from the Zoning/Building Official and shall consider the appeal at a public meeting. The meeting shall be held within 45 days of the date of the appeal.
- B. An action or ruling of the Commission authorized by this ordinance may be appealed to the City Council within 15 days after the Commission has rendered its decision by filing written notice with the Zoning/Building Official. The appellant is responsible for paying the filing fee on an appeal. If no appeal is taken within the 15 day period, the decision of the Commission shall be final. If an appeal is filed, the City Council shall receive a report and recommendation from the Commission and shall hold a public hearing on the appeal as outlined in Sections 11.030 and 11.040 of this Ordinance. The public hearing shall be held within 45 days of the date of the appeal.

Section 11.020. Petitions, Applications, Appeals, and Fees.

- A. Petitions, applications and appeals provided for in this ordinance shall be made on forms provided for the purpose and/or as otherwise prescribed by the city in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. The plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets. Specific application requirements shall include the following:
  - 1. One copy of any supportive documentation shall be submitted on 8.5" by 11" sheets for ease of reproduction.
  - 2. If a development plan is submitted with the application, it shall be drawn to scale with sheet size not to exceed 24" by 36". When applicable, the plan shall include a drawing of elevations.

3. The application shall be accompanied by a set of plans reduced to fit on 8.5" by 11" sheets of paper.
  4. Contents of the Development Plan:
    - a. The nature of the facility or use together with a description of the character and purposes of the proposed facility or use.
    - b. The name, address, telephone number, fax number, and e-mail number of the applicant and of other persons assisting in the development of the application and plan.
    - c. North arrow, the scale of the plan.
    - d. Street address, or description of the location so that the property can be easily identified.
    - e. Boundaries and dimension of the property where the facility or use is proposed to be located.
    - f. The location of the facility or use on the property and its proposed dimensions.
    - g. When applicable, the height of the proposed facility or use.
    - h. The setbacks of the proposed facility or use from surrounding property lines and from other buildings, facilities or uses on the property where the facility or use will be located.
    - i. Dimensions and location of areas to be reserved for vehicular access and circulation.
    - j. A landscaping plan that indicates how the facility or use will be landscaped and screened from adjoining properties or uses.
    - k. A fencing plan that indicates the location, height, and design of any proposed fencing or screening intended to limit and control access.
    - l. A lighting plan that indicates the type and location of any proposed lighting.
- B. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within five days from the time of submittal, and the applicant shall have 30 days to submit the missing information. The application shall be deemed complete when the missing information is received and accepted by the City.
- C. Application Fees. All applications for zoning actions which are called for by this ordinance shall be accompanied by an application and filing fee. The application fee shall be set by resolution of the city council and shall be considered on an annual basis. Fees are intended to cover costs incurred by the city in processing the various applications, including preparation and mailing of legal notices, development of staff reports, and time involved in pre-hearing, hearing, and post-hearing activities. City

staff shall maintain complete records of time, staff costs, and materials and supplies costs which are related to the zoning actions. Full payment of the application fees is required before the City may take formal and final action on an application.

Section 11.030. Notice of Public Hearing.

- A. Newspaper Notice. The following notices of hearing shall be published at least one time in a newspaper of general circulation in the City 20-30 days prior to the scheduled date of public hearing.
  - 1. An amendment to the text of the zoning ordinance - Planning Commission hearing.
  - 2. An amendment to the zoning map - Planning Commission hearing.
  - 3. An amendment to the text of the zoning ordinance - City Council hearing.
  - 4. An amendment to the zoning map - City Council hearing.
  
- B. Mailed Notice to Affected Property Owners. A notice of hearing for a zoning action specified by this ordinance shall be mailed 10-14 days prior to the scheduled public hearing date (20-30 days for all zoning amendments) to all owners of property located a specified distance from the exterior boundaries of the property for which the land use action is requested, in accordance with the following schedule:

<u>Type of Land Use Action</u>	<u>Distance from Exterior Boundary of Property for Which Zoning Action is Requested</u>
Zoning Map Amendment - Planning Commission Hearing	1,000 feet
Zoning Map Amendment - City Council Hearing	1,000 feet
Conditional Use Permit	500 feet
Variance	100 feet
Planned Unit Development	500 feet
Historic Resource Alteration or Demolition Review	100 feet
Multi-Family Dwelling or Residential Dwelling Complex	500 feet
Hardship Mobile Home	100 feet

Public Meeting - Appeal of Zoning/Building Official to Commission.

Same distance as for zoning action being appealed. If the appeal relates to a minor matter not listed herein, the distance shall be 100 feet.

Appeal of Commission decision to City Council.

Same distance as for zoning action appealed. If the appeal relates to a minor matter not listed herein, the distance shall be 100 feet.

C. Other Forms of Public Notice. All land use actions specified in the zoning ordinance shall be subject to public notice as outlined in this sub-section 10-14 days prior to the scheduled public hearing date. The hearing notices are not required to meet the content notice requirements outlined in Section 11.040, but shall merely state the time, date, and place of the public hearing; the type of land use action; the location of the affected property, and the source of additional information. The following types of public notice are covered in this sub-section:

1. Posting Notice in a Public Place. Notice shall be posted at the Scio City Hall, the Scio Post Office, and one other public place to be designated by the City Council.
2. Posting Notice on the Local Cable Channel and Website. Notice shall be posted so that it will appear on the Scio Public Access Cable TV Channel and any website specifically designated to serve the City of Scio.
3. Posting Notice on the Affected Property. All land use actions which pertain only to one parcel shall be posted on the affected property.

D. If there is a conflict between the Notice Provisions of Section 11.030 and the notice provisions as required by State Law, the most restrictive notice requirements shall be followed, as long as there is assurance that both local and state requirements shall be met.

Section 11.040. Explanation in Mailed Notice to Affected Property Owners. The notice of public hearing for those zoning actions specified in Section 11.030.B. which are provided to the applicant and to owners of property entitled to receive notice shall:

- A. Explain the nature of the application and the proposed use or uses which could be authorized.
- B. List the applicable criteria from the ordinance and the plan that apply to the application.

- C. Set forth the street address or other geographical reference to the subject property.
- D. State the date, time and location of the hearing.
- E. State that failure of an issue to be raised in a hearing, either in person or by letter, or failure to provide sufficient specificity to afford the decision making body an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals based on that issue.
- F. Include the name and telephone number of the city staff person who can provide additional information.
- G. State that the application and all documents and evidence are available for inspection at city hall at no cost, and that these materials will be provided at a reasonable cost.
- H. Include an explanation of the procedure for submission of testimony and for conduct of the hearing.

Section 11.050. Consolidation of Procedures.

- A. Except as provided in Section 11.050.B, decisions on land use actions which involve more than one application shall be handled under a consolidated review procedure in which:
  - 1. All applications shall be decided upon in one proceeding, and
  - 2. If any of the applications require city council action, the council shall take final action on all of the applications.
- B. Comprehensive plan map amendments and zoning map amendments which are based on submitted comprehensive plan map amendment proposals are not subject to the 120 day decision making period prescribed by state law. The city shall not be required to consolidate a plan map amendment with other applications unless the applicant requests the proceedings be consolidated and signs a waiver of the 120 day time limit.
- C. If the proceedings are consolidated:
  - 1. The notice of public hearing shall identify each action to be taken,
  - 2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions, and
  - 3. Separate action shall be taken on each application.

Section 11.060. Time Period for Decision Making. The city shall take final action on an application for a permit or a zone change, including the resolution of all appeals, within 120 days after the application is deemed completed, except:

- A. The period may be extended for a reasonable length of time at the request of the applicant.
- B. The 120-day time limit only applies to a decision wholly within the authority and control of the city.
- C. The 120-day time limit does not apply to an amendment to the zoning ordinance text or map if an amendment to the comprehensive plan text or map is also required.

Section 11.070. Interpretation. The provisions of this ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

Section 11.080. Severability. It is hereby declared to be the intent of the City Council that;

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situations, the Ordinance shall not be affected.

Section 11.090. Permits.

- A. No building or structure subject to any of the provisions of this ordinance shall be erected, moved, reconstructed, extended, enlarged or altered except upon first obtaining a permit to do so, upon compliance with this ordinance and all other applicable ordinances, state laws and regulations.
- B. Applications for permits required by this ordinance shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the

lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof, the number of families to be accommodated if any, and such information as is needed to determine conformance with the provisions of this ordinance.

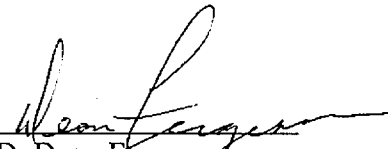
Section 11.100. Penalty. Any person who violates or fails to comply with any provision of this ordinance shall, upon conviction thereof, be deemed guilty of an infraction and shall be punished by a fine of not less than \$50.00 and not more than \$1,000, as determined by the Scio Municipal Court. It shall be the responsibility of the person violating this ordinance to abate the violation. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Section 11.110. Repeal. Ordinance 466 "Zoning Ordinance of the City of Scio, Oregon," as amended, is hereby repealed.

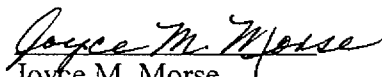
Section 11.120. Emergency. Whereas, the City Council of the City of Scio considers it necessary that the foregoing ordinance be enacted for the protection of the peace, health and safety of the residents of the City of Scio, Oregon an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor.

Passed by the Council November 14, 2005

Signed by the Mayor November 30, 2005

  
D. Dean Ferguson

ATTEST:

  
Joyce M. Morse