

SERIES 1979

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE COMPREHENSIVE LAND USE PLAN AND PROVIDING ZONING REGULATIONS.

The CITY of UNITY ordains as follows:

Article 1. Introductory Provisions

SECTION 1.010. Purpose. The purposes of this ordinance are several:

- (1) To promote the public interest, health, morals, safety, comfort, convenience and welfare;
- (2) To provide for the adoption of the City's Comprehensive Land Use Plan; and
- (3) To carry out such land use plan.

SECTION 1.020. Plan adoption. The Comprehensive Land Use Plan as dated and approved by the City Council is by this reference made a part of this ordinance. Such plan may be referred to as the "Land Use Plan".

SECTION 1.030. Plan revision. (a) The land use plan shall be reviewed and may be revised as necessary every two years.

(b) Any revision of the land use plan shall be carried out in a manner consistent with applicable state land use planning laws and goals. Revision includes any amendment.

SECTION 1.040. Urban Growth Boundary. (a) "Urban growth boundary" or "UGB" refers to the boundary lines of descriptive areas of land outside the incorporated boundary of the city, which areas are considered to be urbanizable land.

(b) "Urbanizable land" refers to land areas outside the incorporated boundary of the city but within the UGB, which land areas are identified and determined to be necessary and suitable for future urban uses; can be served by urban services and facilities and are needed for the expansion of the urban area.

(c) The annexation of urbanizable land shall be consistent with the applicable provisions of the land use plan and state law.

(d) The land use regulations of the city shall apply to lands annexed: Provided, however, that newly annexed land shall take the zoning designation of the contiguous land use zone until changed by the City Council. A zone change shall be consistent with the land use plan.

Article 2. Zoning Regulations

SECTION 2.010. Title. The provisions of Article 2 through Article 13 of this ordinance may be cited as the "Zoning Ordinance" of the City.

SECTION 2.020. Application. The provisions of this ordinance shall apply to all land areas inside the incorporated boundary of the City.

SECTION 2.030. Violation; permits. (a) No person shall locate, construct, maintain, repair, alter, or use or transfer land in violation of any of the provisions of this ordinance.

(b) Where a permit or approval is required by any provision of this ordinance, no person shall take any action or do any of the things mentioned in (a) of this section without such a permit or approval.

SECTION 2.040. Definitions. As used in this ordinance unless the context requires otherwise:

(a) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

(b) "Dwelling" means any building or any portion thereof which contains a "dwelling unit", used, intended, or designed to be built, used, rented, or leased, let or hired out to be occupied, or which is occupied for living purposes.

(1) Single family dwelling: A detached building containing one dwelling unit.

(2) Two-family dwelling: A detached building containing two dwelling units.

(3) Multiple family dwelling: A detached building containing three or more dwelling units.

(c) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(d) "Family" means 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 by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

(e) "Grade" means the average of the finished ground level at the center of all walls of the building. If a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

(f) "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

(g) "Home Occupation" means a lawful occupation carried on within a dwelling or a customary accessory building thereto, by members of the family occupying the dwelling with no employees or other persons being engaged: Provided, however, that the residential character of the dwelling is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business. The occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

(h) "Hotel" or "motel" means any building containing six or more guest rooms intended or designed to be used, or which is used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(i) "Mobile home" means a structure or vehicle, containing one dwelling unit, that is constructed, in whole or in parts, for non-selfpropelled movement on the public highways. A "mobile home" shall

be no less than 50 square feet as measured by its external dimensions exclusive of any hitching or towing device. A "mobile home" shall bear the insignia of compliance with ORS Chapter 446 as administered by the Oregon Department of Commerce.

(j) "Mobile home park" means any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purposes of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(k) "Motor home" means a structure or vehicle, containing some or all of the provisions of a dwelling unit, that is constructed for self-propelled movement on the public highway. A "motor home" is or may be subject to the motor vehicle licensing requirements of the Oregon Department of Commerce.

(l) "Owner" means a person, his authorized agent or representative, having legal authority to use, transfer or lease land.

(m) "Person" means a natural person, a domestic or foreign corporation, a partnership, an association, a joint stock company, a trust and any unincorporated organization.

(n) "Property line" refers to any boundary line of a lot, parcel, area or tract of land under one ownership.

(1) "Front property line": That property line separating a lot, parcel, area or tract of land from a road, street or highway.

(2) "Rear property line": That property line opposite, or most nearly opposite the front property line.

(3) "Side property line": A property line that is not a front or rear property line.

(o) "Rooming house" or "lodging house" means any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. Board may or may not be included.

(p) "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(q) "Trailer home" or "travel trailer" means a structure or vehicle, containing some or all of the provisions of a dwelling unit, that is constructed for non-selfpropelled movement on the public highways.

(r) "Utility facilities" means the customary water lines, sewer lines, electrical distribution lines, telephone lines, television lines and the support structures such as poles, transformers and the like.

Article 3. Land Use Zones; Zoning Map

SECTION 3.010. Land Use Zones. The following land use zones are established and designated as follows:

(a) Residential or R zone.

(b) Residential Commercial or RC zone.

SECTION 3.020. Zoning Map; zone boundaries. (a) A zoning map entitled "City of Unity Zoning Map" showing the boundaries of the

various land use zones shall be dated and adopted by the City Council; such map by this reference is made a part of this ordinance and may be referred to as the zoning map.

(b) The land use zone boundaries shall be streets, and lot or parcel lines, where practical, or such lines extended.

Article 4. Residential Zone: R

SECTION 4.010. Uses permitted outright. In the R zone the following uses are permitted outright:

- (1) Single family dwelling.
- (2) Two family dwelling.
- (3) Mobile home dwelling.
- (4) Home Occupation.
- (5) Utility facilities necessary for public service.

SECTION 4.020. Uses subject to approval. In the R zone the following uses are subject to the approval of the City Council:

- (1) Church.
- (2) Day care center.
- (3) Hospital.
- (4) Mobile home park. (See Article 6)
- (5) Multiple family dwelling.
- (6) Nursing or convalescent home.
- (7) Parks, playgrounds or community centers owned and operated by a public agency or nonprofit community organization.
- (8) Private school.
- (9) Professional office.
- (10) Public building.
- (11) Public school.
- (12) Rooming house.
- (13) Expansion, extension or reestablishment of a nonconforming use or structure.

SECTION 4.030. Minimum lot size. In the R zone the minimum lot or parcel size shall be as follows:

- (1) Single, two family and mobile home dwellings: 5000 square feet.
- (2) Multiple family dwellings: 5000 square feet for two dwelling units plus:
 - (i) 1000 square feet for each additional 1-bedroom dwelling unit;
 - (ii) 1350 square feet for each additional 2-bedroom dwelling unit;
 - (iii) 1600 square feet for each additional 3-bedroom dwelling unit; and
 - (iv) 1800 square feet for each additional 4-bedroom dwelling unit.
- (3) Rooming house: 5000 square feet.
- (4) Mobile home park: See Article 6.
- (5) All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this ordinance.

SECTION 4.040. Property line setback; exception. In the R zone all dwellings and attached structures and the buildings and attached

structures of all other uses shall maintain a minimum setback distance from property lines as follows:

- (1) Front property line: 15 feet.
- (2) Side and rear property lines: 10 feet.
- (3) Exception: An unattached accessory building to a use permitted according to this article may have a setback distance of 5 feet from the rear property line.

SECTION 4.050. Height of Buildings. In the R zone the maximum height of buildings shall be two stories or 28 feet above grade which ever is the lesser height.

Article 5. Residential Commercial: RC

SECTION 5.010. Uses permitted outright. (a) In the RC zone the following uses are permitted outright:

- (1) Any use permitted outright in the R zone.
- (2) Commercial: Limited to the customary and ordinary sales and/or services establishments conforming to subsections (b) and (c) of this section.

(b) Any commercial use according to this section, except for parking and loading activity, shall be conducted entirely within buildings and shall require no outside storage of materials, supplies or products.

(c) Any commercial use according to this section shall be reasonably free of objectable odor, noise, smoke, glare, heat, vibration or other adverse affect on neighboring property.

SECTION 5.020. Uses subject to approval. (a) In the RC zone the following uses are subject to the approval of the City Council:

- (1) Any use that is subject to such approval in the R zone.
- (2) Any commercial use that reasonably cannot meet the standards of subsection (b) of Section 5.010.

(b) In approving a use according to this section the City Council shall have authority and may require the use of sight obscuring fencing, screening or appropriate shrubbery or trees to reduce any unreasonable visual impact a use may have on neighboring property.

SECTION 5.030. Minimum lot size. (a) In the RC zone the minimum lot or parcel size for dwellings shall be as follows:

- (1) Single, two family and mobile dwellings: 4000 square feet.
- (2) Multiple family dwellings and rooming houses: 4000 square feet plus the additional areas according to Section 4.030. (2) and (3).

(3) Mobile home parks: See Article 6.

(b) In the RC zone the minimum lot or parcel size for commercial use shall be 4000 square feet.

(c) All uses shall have adequate area to meet the property line setback requirements and off street parking requirements of this ordinance.

SECTION 5.040. Property line setback. (a) In the RC zone all dwellings, including attached structures and accessory buildings, and any other building, including attached structures and accessory buildings, providing dwelling units, boarding or rooming facilities, shall maintain a setback distance from property lines as follows:

(1) Front property line: 15 feet.

(2) Side and rear property lines: 10 feet.

(b) In the RC zone commercial buildings and structures shall not be required to maintain a setback distance from property lines, except where a property line abuts or faces the R zone, in which case a setback distance of 15 feet from the abutting or facing property line or lines shall be maintained.

SECTION 5.050. Height of Buildings. In the RC zone the maximum height of buildings used for any dwelling or rooming house purpose shall be two stories or 28 feet above grade which ever is the lesser height.

Article 6. Mobile Home Parks

SECTION 6.010. Residential zone. (a) Mobile home parks in the R zone, in addition to other requirements of law, shall be subject to the minimum lot size of 5000 square feet and other requirements for such zone.

(b) Mobile home parks in the R zone shall be used only for the placement of mobile homes.

SECTION 6.020. Other zones. (a) Mobile home parks in the RC zone, in addition to other requirements of law, shall be subject to the minimum lot size of 4000 square feet and other requirements for such zones.

(b) Mobile home parks in the RC zone may be used for the placement of mobile homes, travel trailers and motor homes.

Article 7. Off Street Parking

SECTION 7.010. General requirements. (a) In all zones, at the time of new construction of a building or structure, off street parking space shall be provided in accordance with this Article.

(b) Expansion, extension or reestablishment of any nonconforming use, where reasonably practical, shall provide off street parking in accordance with the Article.

(c) The required off street parking space shall be used for parking of vehicles only and shall not be used in a manner to limit the availability of off street parking.

(d) A parking space shall be an area of the lot or parcel of no less than nine feet by twenty feet (9'X20') designated for vehicular parking.

SECTION 7.020. Residential parking space. The number of off street parking spaces for dwelling or residential use shall be provided as follows:

(a) Single family dwelling: two spaces

(b) Mobile home dwelling: two spaces.

(c) Two family dwelling: three spaces.

(d) Multiple family dwelling: one and one half spaces per dwelling unit rounded to the highest whole number.

(e) Rooming house: one space per guest room.

SECTION 7.030. Nonresidential parking space. The number of nonresidential off street parking spaces shall be provided as follows:

(a) All institutional, commercial and industrial uses shall provide no less than one off street parking space for each employer and employee and two spaces for visitors, unless the following requirements indicate a greater number of spaces:

(1) Hospitals: one and one half spaces for each bed rounded to the highest whole number.

(2) Churches, clubs and lodges: one space for every four fixed seats or every eight feet of bench length or every 28 square feet of floor area of the main assembly room or sanctuary where permanent seats or benches are not maintained.

(3) Libraries; museums, art galleries: one space for each 250 square feet of gross floor area.

(4) Nursing homes; groupcare homes; asylums: one space for each three beds.

(5) Public offices: one space for each employee and additional spaces as reasonably necessary.

(6) Public or private schools: one and one half space for each teaching station plus one space for every six fixed seats or one space for each 42 square feet of seating area where fixed seats are not provided in the auditorium or assembly area.

(7) Retail establishments: one space for each 300 square feet of gross floor area.

(8) Barber and beauty shops: one space for each 75 square feet of gross floor area.

(9) Bowling alleys: six spaces for each bowling lane.

(10) Office buildings; business and professional offices: one space for each 400 square feet of gross floor area.

(11) Recreational or entertainment establishments:

(i) Spectator types: auditoriums, assembly halls, theaters, stadiums, places of public assembly: one space for each four seats.

(ii) Skating rinks, dance halls: one space for each 75 square feet of gross floor area.

(iii) Establishments for the sale and consumption on the premises of food and beverages: one space for each 60 square feet of gross floor area.

(iv) Hotels, motels: one space for each guest room.

(12) Industrial uses: one space for each 500 square feet of gross floor area.

(b) Any use not specifically listed in this Article shall provide a number of off street parking spaces equal to that listed use to which it is most similar.

Article 8. Nonconforming Use

SECTION 8.010. Definitions. As used in this ordinance:

(a) "Nonconforming use" means a use of land, a building or structure in a manner that does not conform to the provisions of this ordinance: (i) as to use or (ii) as to other requirements such as height, setback, parking, screening and the like.

(b) "Use" means the purpose for which land, a building or other structure is designed or intended, or for which purpose land, a building or other structure is occupied or maintained.

SECTION 8.020. Continuation. A lawful use of land, a building

or other structure existing on the effective date of this ordinance may be continued and kept in a state of repair: Provided, however, that the use of land, a building or other structure shall not be extended, expanded or otherwise made further nonconforming without the approval of the City Council.

SECTION 8.030. Reestablishment. (a) A nonconforming building or other structure that is destroyed by fire or other casualty may be reestablished: Provided, however, that construction or reconstruction of such building or other structure is commenced and diligently pursued within one year of the date of the casualty.

(b) The reestablishment of a nonconforming building or other structure after one year from the date such building or other structure is destroyed by fire or other casualty shall be subject to the approval of the City Council.

SECTION 8.040. Change in use. A new use replacing a nonconforming use shall conform to the provisions of this ordinance.

Article 9. Uses Subject To Approval

SECTION 9.010. Application for approval. (a) (1) No new use of land, a building or other structure, which use is subject to approval, shall be approved when such approval would be contrary to any purpose of this ordinance in Section 1.010.

(2) No reestablishment of a nonconforming use shall be approved when such approval would be contrary to any purpose of this ordinance in Section 1.010.

(b) Any person proposing to establish or reestablish a use that is subject to approval, or his authorized agent or representative, may make application to the City Council for such approval. Each such application shall be on forms provided for such purpose and shall be accompanied by the required fee.

(c) The City Council shall consider the application at a public hearing held within 45 days of the date of the completed application and either approve it or deny it, or set date, time and place for further hearing. In any event, a continuation of a hearing shall not exceed a period of time of 6 months from the date of the completed application.

SECTION 9.020. Public Notice. A notice of public hearing on an application for any use subject to approval shall be posted at the City Hall and two other conspicuous places in the City at least 10 days prior to the date of public hearing. In addition, an individual notice of such hearing shall be mailed to owners of record of land abutting the land involved in the application. The failure of an owner of land to receive an individual notice shall not invalidate any action taken on an application.

SECTION 9.030. Hearings Officer. (a) The City Council may delegate its authority under subsection (c) of Section 9.010 to a Hearings Officer or a Planning Commission, which commission shall have the powers and duties of a Hearings Officer.

(b) Approval or denial of an application by a Hearings Officer or Planning Commission shall be final, unless appealed to the City Council within 20 days of the date of the action appealed from.

SECTION 9.040. Appeal. (a) A party aggrieved by the action of a Hearings Officer or Planning Commission may appeal the action to the City Council.

(1) An appeal taken according to this section shall be made in writing and filed, along with the prescribed fee, with the City Recorder.

(2) Such appeal in writing shall contain: (i) the name, address and signature (or signature of an authorized representative) of the party appealing; (ii) the date of the appeal; (iii) the action from which appeal taken; and (iv) the grounds for the appeal.

(b) The City Council shall hold a hearing on an appeal filed according to this section within 60 days of the date such appeal is filed with the City Recorder. Such hearing shall be held after giving notice to the party appealing of the date, time and place of the hearing.

(c) The procedure for a hearing on appeal held according to this section shall include a review of the records of the Hearings Officer or Planning Commission and the argument or other presentation of the party appealing.

SECTION 9.050. Procedure for conduct of hearings. In the event the City Council delegates its authority under subsection (c) of Section 9.010 to a Hearings Officer or Planning Commission, such council shall adopt rules of procedure for the conduct of hearings, which rules shall apply to hearings held by such officer or commission.

SECTION 9.060. City Council initiative for review. Nothing in this Article shall prevent the City Council, on its own motion, from reviewing any action taken by a Hearings Officer or Planning Commission.

SECTION 9.070. Council action on appeal or review. The City Council, after considering the records and arguments on appeal or after the review of the records on its own motion, may modify or overrule the actions of a Hearings Officer or Planning Commission or it may require further hearing by such officer or commission in order to allow additional testimony or other presentation of relevant information.

Article 10. Amendments

SECTION 10.010. When prohibited; how initiated. (a) "Amendment" includes any change or revision to this zoning ordinance, including the zoning map.

(b) No amendment to this zoning ordinance shall be approved that would be contrary to any purpose in Section 1.010.

(c) An amendment may be initiated by the City Council, Planning Commission, or by a property owner.

(d) A property owner or his authorized agent or representative may initiate a request for an amendment by making application to the City Council. Each such application shall be on forms provided for that purpose and shall be accompanied by the required fee.

SECTION 10.020. Public hearing. Before the City Council may take any action on an amendment, it shall hold at least one public hearing on it after giving notice of such hearing as required.

SECTION 10.030. Public Notice. (a) A notice of public hearing on a proposed amendment to this ordinance shall be published in a newspaper of general circulation in the County at least ten days prior to the date of such hearing. In addition, a copy of such notice shall be posted at the City Hall and two other conspicuous places in the City.

(b) A notice of public hearing shall include therein the date, place and time of the hearing and a brief description of the proposed amendment.

SECTION 10.040. Individual notice of zone change. (a) In the event a proposed amendment involves a zone change, all land owners of record owning land directly affected by such change shall be individually notified by First Class Mail of the proposed change. Such individual notice shall be essentially the same as the public notice in Section 10.030: Provided, however, that such individual notice shall be mailed at least 30 days prior to any hearing on the proposed zone change.

(b) The assessment role of the County may be used to determine the owner's of record of land.

(c) The failure of a property owner to receive an individual notice of a proposed zone change shall not invalidate any action taken by the City Council on such change.

SECTION 10.050. Referral to Hearings Officer or Planning Commission. The City Council may refer any proposed amendment to a Hearings Officer or Planning Commission for public hearing and recommendation.

Article 11. Administrative Fees

SECTION 11.010. Fees. (a) The administrative fees for the various applications as provided for in this ordinance shall be as follows:

(1) For a use subject to approval: \$25

(2) For an amendment: \$50

(3) For filing a notice of appeal: \$10

(b) The City Recorder shall have authority to collect the fees as provided for in this ordinance.

SECTION 11.020. Adjustment in fees. The City Council shall have authority and may adjust the fees, as provided for in the ordinance, from time to time as it considers to be advisable. Such adjustment in fees shall be in the form of an order or resolution.

Article 12. Prosecution; Penalty; Severability

SECTION 12.010. Prosecution of violation. (a) The violation of any provision of this zoning ordinance shall be deemed a misdemeanor and may be prosecuted by the City Council in the name of the people of the City, or may be redressed by civil action, suit or proceeding, at the option of such council.

(b) Every act or thing done in violation of any provision of this ordinance is hereby declared to be a nuisance and shall be treated as such in all actions, suits and proceedings.

SECTION 12.020. Penalty. Violators of any provision of this zoning ordinance shall be subject to a fine not to exceed \$50 or imprisonment not to exceed 20 days, or both.

SECTION 12.030. Severability. The provisions of this ordinance are severable; should any one portion hereof be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not invalidate the remaining portions.

Article 13. Adoption; Repeal

SECTION 13.010. Adoption. Articles 1 through Article 13 of this ordinance shall become effective and operative on the 30th day following the date of adoption by the City in accordance with the applicable provision of its Charter.

SECTION 13.020. Repeal. On the effective and operative date of Articles 1 through Article 13 of this ordinance all ordinances or resolutions in conflict with any provision of this ordinance and zoning ordinance are repealed.

PASSED and ADOPTED this 4th day of December, 1979

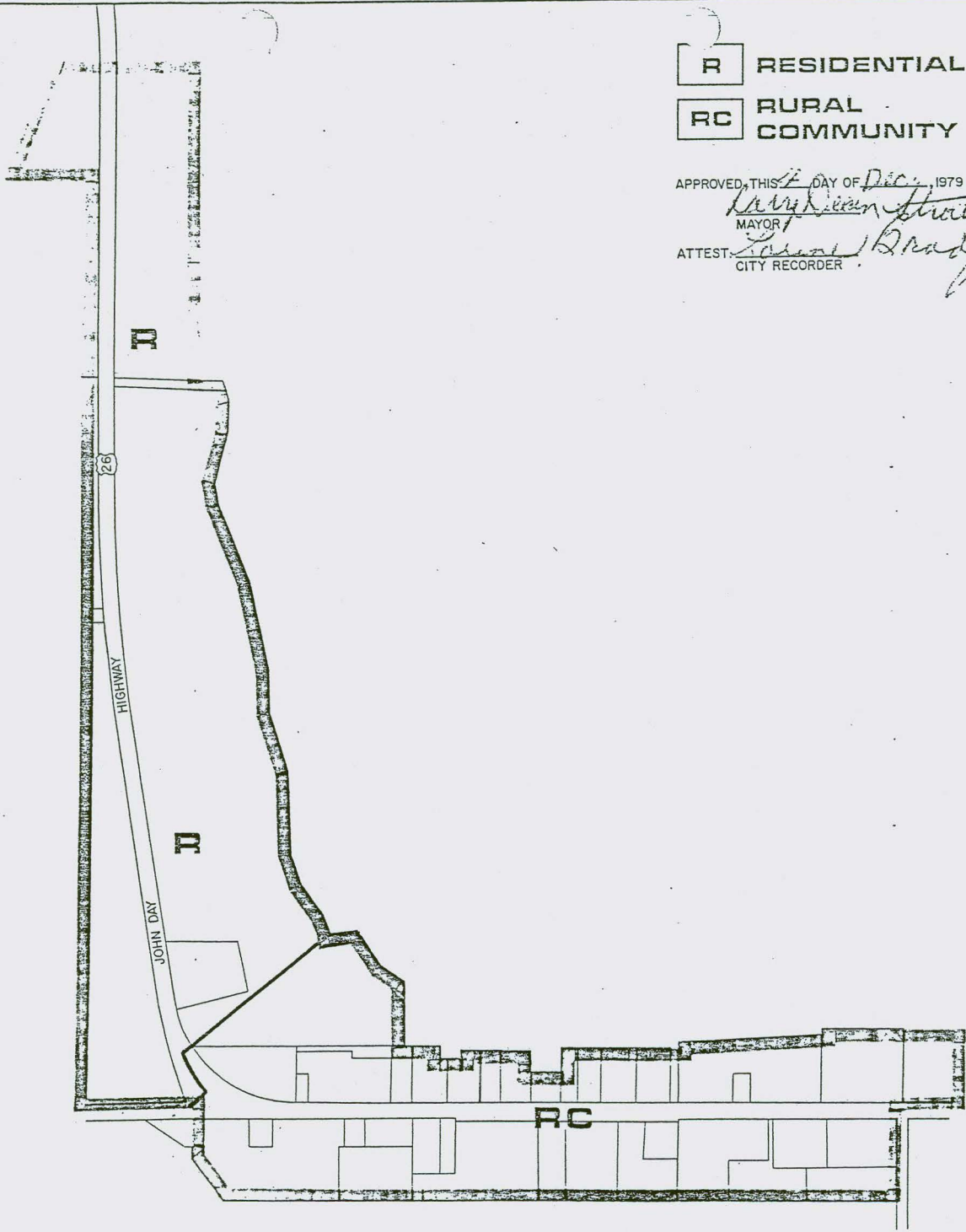
Attest: Larens Bradford Larry Dean Stratton
City Recorder Mayor

R RESIDENTIAL
RC RURAL COMMUNITY

APPROVED, THIS 4 DAY OF Dec, 1979

Robert L. ...
MAYOR

ATTEST: *Samuel Bradford*
CITY RECORDER



ZONING MAP CITY OF UNITY

