Ordinance No. 101

City of Mitchell

ZONING ORDINANCE

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Ordinance No. 101

An Ordinance Providing for the Establishment of Zoning Regulations for the City of Mitchell, Oregon

ARTICLE 1. INTRODUCTORY PROVISIONS

1.10 Title. This ordinance together with the zoning map attached hereto as Appendix A shall be known as the zoning ordinance of the City of Mitchell, Oregon.

1.20 Purposes. This ordinance is enacted for the purpose of promoting the public health, safety, and welfare; to encourage the most appropriate use of property within the city; to stabilize and protect the value of property; to provide adequate light and air; to prevent overcrowding; to lessen traffic congestion; to facilitate adequate and economical provisions for public improvements, all to implement the comprehensive plan of the City of Mitchell; to provide a method of administration and to proscribe penalties for violations of the provisions herein.

1.30 Scope. No structure or lot shall hereinafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this ordinance.

1.40 Zones of Areas to be Annexed. Prior to the annexation of any land to the City of Mitchell the city council shall determine, by reference to the comprehensive plan, the appropriate zoning for the property to be annexed. The zoning of the property to be annexed shall be in accordance with the comprehensive plan.

1.50 Definitions.

1. Accessory Use or Structure. A use or structure incidental and subordinate to the main use of the property, located on the same lot with the main use. Example - home occupation.
2. Alley. A street through a block primarily for vehicular access to the back or side of property otherwise abutting on another street.
3. Area On Special Flood Hazard. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
4. Base Flood. The flood having a one percent chance of being equalled or exceeded in any given year.
5. Building. An structure having a roof intended for the support, shelter or enclosure of any persons, animals, property or business activity.
6. City. The City of Mitchell, Oregon
7. City Council. The city council of the City of Mitchell, Oregon.

8. Comprehensive Plan. The comprehensive plan of the City of Mitchell, Oregon.

9. Dwelling Unit. One or more rooms designed for occupancy by one family, containing complete housekeeping facilities. For the purposes of this ordinance dwelling unit does not include mobile homes or recreational vehicles.

10. Dwelling, Single Family. A detached building containing one dwelling unit.

11. Dwelling, Two Family. A detached building containing two dwelling units.

12. Dwelling, Multi-family. A building containing three or more dwelling units.

13. Family. An individual or two or more persons related by marriage, blood, legal adoption or guardianship, and not more than two unrelated persons living together in one dwelling unit; or not more than five unrelated persons living together in one dwelling unit.

14. Farming, Farm Use. The use of land for raising and harvesting crops, or for the feeding, breeding and management of livestock, or for dairying, or for any other agricultural or horticultural use, or any combination thereof, including disposal of such products by marketing or otherwise. Farming also includes the use and construction of buildings customarily used in the above activities.

15. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

16. Floor Area. The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached porches and balconies, excluding open court yards and vent shafts.

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

18. Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

19. Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line on a mansard roof, to the mean point between the eaves and highest gable of a pitched or hipped roof.

20. Home Occupation. Accessory use of a dwelling, employing only the inhabitants of the dwelling, wherein the residential character of the dwelling is maintained. The occupation must be lawful and must be conducted in such manner that storage or display of merchandise, equipment or machinery is not visible from off the property on which the occupation is located, and the occupation may not infringe upon the right of neighboring residents to enjoy the peaceful occupation of their dwellings.

21. Lot. A parcel of land having sufficient area to meet the minimum lot requirements in the zone in which it is located and having its principal frontage on, or permanent access to a street.

22. Lot Area. The total area within the boundary lines of the lot.

23. Lot, Corner. A lot abutting on two or more intersecting streets, other than alleys, where the angle of intersection of the streets does not exceed 135 degrees.

24. Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

25. Lot Line. The boundary line of a lot.

26. Lot Line, Front. The line separating the lot from the street other than an alley or the nearest line to the public street. In the case of a corner lot, the shortest lot line along a street other than an alley.

27. Lot Line, Rear. Any boundary line opposite and most distant from a front lot line, and not intersecting a front lot line, except in the case of a corner lot.

28. Lot Line, Side. Any lot line not a front or a rear lot line.

29. Lot Width. The mean horizontal distance between the side lot line, ordinarily measured parallel to the front lot line.

30. Mobile Home. A structure designed or used for residential occupancy dependent upon external utility connections and built upon a frame or chassis to which wheels may be attached by which it may be moved upon a highway, irrespective of whether or not such structure has, at any given time, such wheels attached, or is supported upon posts, footings or a foundation.

31. Mobile Home Park. A 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 purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

32. Modular Home. A sectional or factory built house built to meet the housing standards of Oregon Department of Commerce, designed to be affixed to real property on a permanenet foundation.

33. Owner. The owner of record of real property as shown in the records of the County Assessor, or the registered agent of such owner.

34. Parking Space. An area adequately sized, having access to a public street, used or intended to be used for the parking of a vehicle.

35. Public Use. Building or use such as a city hall, fire station, city shop, school, community center, park, and similiar uses.

36. Recreation Vehicle. A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle; which is intended for human occupancy and is designed for vacation or recreation purposes but not residential use.

37. Recreation Vehicle Park. A lot which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles.

38. Semi-Public Use. Building or use such as a church, hospital, sanitarium, rest home, nursing or convalescent home, utility structure, and similiar uses.

39. Sight Obscuring Fence. A solid fence or slat fence at least six feet in height that completely obscures vision.

40. Sight Obscuring Planting. A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach an average height of at least six feet within thirty months after planting.

41. Sign. An identification, description or device which directs attention to a product, place, activity, person, institution or business, and which is affixed to or represented upon a building, structure or land. Each display surface of a sign structure shall be considered a separate sign.

42. Street. A public right of way for the use of pediestrian or vehicular traffic.

43. Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

    (1) before the improvement or repair is started, or
    (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

    The term does not, however, include either:

    (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
    (2) any alteration of a structute listed on the National Register of Historic Places or a State Inventory of Historic Places.

44. Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance. Unless otherwise provided in this ordinance, paving is defined as an obstruction.

45. Yard, Front. That yard lying between the front lot line and the front of the building.

46. Urban Growth Area. That land between the incorporated limits of the city and the Urban Growth Boundary.

47. Urban Growth Boundary. The Boundary designated in the City's Comprehensive Plan which identifies and separates urbanizable land from rural land.

48. Yard, Rear. That yard lying between the rear lot line and the rear of the building.

49. Yard, Side. That yard lying between the front and rear yards between the building and the side lot line.

ARTICLE 2. ESTABLISHMENT OF ZONES

2.10 Classification of Zones. For the purpose of this ordinance the following zones are hereby established.

ZONE	DESIGNATION
1. General Residential	R
2. General Commercial	C
3. Farm	F
4. Permanent Open Space	POS

2.20 Zone Boundaries. Unless otherwise provided in this ordinance, zone boundaries are section lines, subdivision lines, lot lines, center lines of streets or railroad rights of way, or such lines extended.

2.30 Location of Zones. A zoning map showing boundaries of the zones as hereby established shall be adopted and made part of this ordinance and attached hereto as Appendix A. Said map and all notations, references or amendments thereto shall be and remain on file with the City Recorder.

ARTICLE 3. USE ZONES

3.10 General Residential Zone, R. In an R zone the following uses and their accessory uses are permitted outright.

1. Single-family dwelling
2. Two-family dwelling
3. Mobile home
4. Multiple-family dwelling.

3.11 Conditional Uses Permitted in a R Zone. In a R Zone the following uses and their accessory uses are permitted when authorized in accordance with Article 5 et. seq.

1. Mobile home park
2. Public or semi-public use

3.12 Dimensional Standards in an R Zone. In a R zone the following dimensional standards shall apply.

1. The front yard shall be a minimum of 15 feet.
2. Each side yard shall be a minimum of five feet, except that on a corner lot the side yard on the street side shall be a minimum of 15 feet.
3. The rear yard shall be a minimum of ten feet.
4. The lot area shall be a minimum of 5,000 square feet and shall exceed the minimum by 2,000 square feet for each dwelling unit over one.
5. The lot width at the front building line shall be a minimum of 50 feet.
6. The lot depth shall be a minimum of 90 feet.
7. Building height shall be a maximum of 35 feet.
8. Not more than 40 percent of the lot area shall be covered by buildings.
9. The minimum street frontage shall be 50 feet except on a cul-de-sac where the minimum shall be 30 feet.

3.20 General Commercial Zone, C. In a C Zone, the following uses and their accessory uses are permitted outright.

1. Retail or wholesale trade establishment
2. Repair or maintenance establishment
3. Eating or drinking establishment
4. Office
5. Amusement establishment
6. Recreational vehicle park
7. Hotel and motel

3.21 Conditional Uses Permitted in a C Zone. In a C zone the following uses and their accessory uses are permitted when authorized in accordance with Article 5 et. seq.

1. Alterations or expansion of a non-conforming use
2. Public or semi-public use

3.22 Dimensional Standards in a C Zone. In a C zone the following dimensional standards shall apply.

1. In a C zone the dimensional standards of the R zone apply to a lot or structure whose primary use is for a dwelling.

2. The lot area shall be a minimum of 5,000 square feet.

3. The rear yard shall be a minimum of ten feet unless the rear lot line is abutting on an alley.

4. Building height shall be a maximum of 35 feet.

5. The street frontage shall be a minimum of 50 feet.

3.30 Farm Zone, F. In an F Zone, the following uses and their accessory uses are permitted outright.

1. Single-family dwelling or mobile home

2. Farming and livestock grazing but not including intensive livestock or poultry operations such as a commercial feed lot or poultry plant.

3.31 Conditional Uses Permitted in an F Zone. In an F Zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 5 et. seq.

1. Industrial use

2. Public or Semi-public use

3.32 Minimum Lot Size in an F Zone. In an F Zone, the minimum lot size shall be five acres.

3.40 Permanent Open Space Zone, POS. No permanent structures may be built. The following uses are permitted outright in a permanent open space zone.

1. Farming, including crop cultivation, truck gardening or plant nursery enterprises and livestock grazing.

2. Natural areas, including wildlife refuges.

3. Outdoor recreational facilities.

No use shall be allowed which would create a hazard to public health, life, or property at the site. In a floodplain area, all uses must be in accordance with federal flood plain regulations.

3.50 Additional Requirements

3.51 Clear Vision Areas. A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

1. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

2. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.

3. The following measurements shall establish clear-vision areas:

   a. In a residential zone, the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet.

   b. In all other zones where yards are required, the minimum distance shall be 15 feet, or at intersections including an alley ten feet, except that when the angle of intersection between streets other than an alley, is less than 30 degrees, the distance shall be 25 feet.

   c. Where no yards are required, the minimum distance shall be as in (b) above and buildings may be constructed within the clear-vision area, providing that any portion of the structure within the clear-vision area is more than eight feet above the top of the curb or street centerline grade and is supported by not more than two columns not more than eight inches in diameter.

3.52 Hazard Areas.

1. If a structure is proposed for an area subject to slopes of greater than twelve percent, the developer shall show that he is aware of the steep slope condition and has incorporated necessary safeguards into his site and building plans before the city signs the building permit.

2. If a structure is proposed for an area subject to flooding, as designated on the FIA Flood Hazard Boundary Map, adopted as part of this ordinance, the following standards shall apply:

a. Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,

(iv) any additions to the mobile home be similarly anchored.

(3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the City that this standard has been met.

b. Construction Materials and Methods

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision Proposals

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;
(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas electrical, and water systems located and constructed to minimize flood damage;
(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

e. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

f. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

g. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
(3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the City.

h. Mobile Homes

(1) Mobile homes shall be anchored in accordance with Section 3.52 (2a).

(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings, that:

--lots are large enough to permit steps,
--piling foundations are placed in stable soil no more than ten feet apart, and
--reinforcement is provided for pilings more than six feet above the ground level.

(3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

i. FLOODWAYS

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 3.42 (2b) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 3.42 (2), and

(3) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivison.

3.53 Preservation of Natural and Historic Features. Existing features, such as trees, watercourses, historic and archaeological sites and other sites as noted in the Comprehensive Plan Technical Report shall be preserved and any development proposed which would remove or alter an identified natural or historically significant feature shall be forwarded to the Oregon State Historic Preservation Office, Oregon Department of Transportation, for review and comment prior to issuance of a building permit.

ARTICLE 4. NON-CONFORMING USES

4.10 Definition. A structure or use lawfully in existance at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

4.20 Circumstances for Allowing a Non-Conforming Use.

4.21 Continuation and Improvements. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located and improvements to the property or structure or both may be made when necessary to continue but not expand the use.

4.22 Changes and Alterations of Use. A non-conforming use or structure may not be replaced, changed, or altered to another use unless the change or alteration is to the same use classification as permitted in the ordinance, or to a classification that more nearly conforms to this ordinance.

4.23 Discontinuation of Use. If the non-conforming use is discontinued for a period of one year further use of the property shall conform to this ordinance.

4.24 Distruction of Structure. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80 percent of its valuation as determined by the County Assessor the non-conforming use or structure shall not be reestablished. A future structure or use on the site shall conform to this ordinance.

4.25 Pre-existing Permits. Noting contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued or approved by the city and construction has commenced prior to the adoption of this ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two years from the time the permit was issued.

ARTICLE 5. CONDITIONAL USES

5.10 Authorization to Grant or Deny Conditional Uses. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this article. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area or an alteration of structure shall conform with the requirements for conditional use. A conditional use proposal shall be approved by the city council if the following criteria are either met, can be met by observence of conditions, or are found not applicable.

1. The use will be consistent with the comprehensive plan, the zoning ordinance and other applicable policies of the city.

2. Taking into account location, size, design, and operating characteristics, the use shall not unreasonably interfere with continuation of isting uses or uses allowed outright on abutting properties

3. The use will not have a significant adverse impact on public facilities including but not limited to streets, sewer and water facilities, such as the traffic generated by the use surpassing the capacity of the street serving the use.

4. The design will perserve environmental assets such as trees, watercourses, historic and archaelogical sites, and similar irreplaceable assets of particular interest to the community.

5.20 Placing Conditions on a Permit. In permitting a new conditional use or the alteration of an existing conditional use, the city council may impose conditions which it finds necessary and reasonable to minimize conflict between the proposed use and existing uses or uses permitted outright. The use shall be subject to design review and approval before construction. These conditions may include the following:

1. Limiting the manner in which the use is conducted, including restricting the time a commercial activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

2. Establishing a special yard or other open space or lot area or dimension.

3. Limiting the height, size or location of a building or other structure.

4. Designating the size, number, location and nature of vehicle access points and off street parking spaces.

5. Increasing the amount of street dedication, roadway width or improvement within the street right-of-way.

6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.

7. Limiting or otherwise designating the number, size, location, height and lighting of signs.

8. Limiting or otherwise designating the location and intensity of outdoor lighting and requiring its shielding.

9. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

10. Designating the size, height, location and materials for a fence.

11. Measures to protect and preserve existing trees, vegetation, water resources, wildlife habitat or other significant natural resource.

12. Requiring a children's play area or outdoor recreation area or both in the case of multiple-family dwelling or a recreational vehicle park of 10 or more units.

13. Requiring payment of a fair share of the cost for improvement of a street, water, and sewer lines serving the site or participation in an improvement district established to provide city facilities and services to an area including the site.

14. Other reasonable measures to permit the development of the city in conformity with the intent and purpose of the conditional classification of uses.

5.30 Application for a Conditional Use

1. A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or the authorized agent of the owner by filing an application with the city council in accordance with Article 12. In addition to the requirements of Article 12 the applicant must show that the proposed conditional use reasonably meets the need recognized by the ordinance.

2. In addition to filing an application the city council may require the applicant to post bond up to the amount of the cost of meeting conditions and standards specified by this ordinance or the city council. The bond shall be returned upon proof by the applicant that the conditions and standards have been met. If conditions and standards required are not met within one year, the bond shall be forfeit and the city may institute proceedings under Article 13 of this ordinance.

5.40 Procedure for Taking Action on a Conditional Use Application. The procedure for taking action on a conditional use application shall be as follows.

5.41 Public Hearing Requirements. Before the city council may act on an application for conditional use a public hearing shall be held as provided in Article 12.

5.42 Application Review. Upon receipt of the application the city recorder shall provide copies of the application material to the city council members.

5.43 Notice to Applicant of Action Taken. Following the close of the hearing the City Recorder shall provide the applicant with written notice of the action taken as provided in Article 12.

5.50 Time Limit on a Permit for a Conditional Use. Authorization of a conditional use shall be void after one year or such time as the authorization may specify unless all requirements of this ordinance and of the city council have been met. The city council may extend such authorization for a period not to exceed one additional year.

5.60 Time Limit on Reapplication. No application for a conditional use permit shall be considered by the city council within one year of the denial of the request, unless in the opinion of the city council new evidence or a change of circumstances warrant it.

ARTICLE 6. VARIANCES

6.10 Authorization to Grant or Deny Variances. The city council may authorize variances from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances relating to a specific piece of property, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of the property for a purpose not authorized within the zone in which the proposed use would be located. In granting variances the city council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achive the purpose of this ordinance.

6.20 Circumstances for Granting a Variance. A variance may be granted only in the event that ALL of the following circumstances exist.

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography, or other circumstances over which the owner of the property, since the enactment of this ordinance, has no control.

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

3. There is a public need for the purpose to be achieved by the variance.

4. The public need is reasonably met by the variance.

5. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, and the variance is in compliance with and is not a deviation from the comprehensive plan for the city.

6. The variance requested is the minimum variance which would alleviate the hardship.

6.30 Procedure for Taking Action on a Variance Application. The procedure for taking action on an application for a variance shall be as follows:

1. A property owner may initiate a request for a variance by filing an application as provided in Article 12.

2. Before the city council may act on a variance application, it shall hold a public hearing thereon, following the procedure prescribed in Article 12.

6.40 Time Limit on a Permit for a Variance. Authorization for a variance shall be void after one year unless substantial construction has taken place. However, the city council may extend authorization for a period not to exceed one additional year on request.

ARTICLE 7. MOBILE HOME REGULATIONS

7.10 Installation Requirements

The mobile home shall be installed in accordance with the rules established by the Oregon Department of Commerce, or in accordance with the instructions of the manufacturer which have been approved by the Department of Commerce. Such requirements shall be met within seven (7) days after the mobile home has been placed on the lot.

ARTICLE 8. (RESERVED FOR PLANNED UNIT DEVELOPMENT)

ARTICLE 9. (RESERVED FOR OFF STREET PARKING AND LOADING)

ARTICLE 10. SIGNS

10.10 Sign Requirements

10.11 Residential Zone Requirements. In a residential zone the following regulations shall apply.

1. One name plate or home occupation sign shall be allowed and it shall not exceed four square feet in area.

2. One sign shall be allowed per lot advertising the property for sale, lease or rent and the sign shall not exceed six square feet. A "for sale" sign shall not be allowed to remain on the property after the property is sold.

3. One sign shall be allowed per subdivision advertising lots or homes for sale. Such sign shall not exceed fifty square feet in area and shall be set back at least twenty feet from the nearest street.

10.12 Commercial Zone Requirements. In a commercial zone the following regulations shall apply.

1. Signs shall be set back at least ten feet from any residential zone.

2. Flashing signs are prohibited.

3. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to resident property owners and shall not interfere with, confuse, or mislead a vehicle operator.

10.13 Industrial Zone Requirements. In an industrial zone the following regulations shall apply.

1. Signs shall be set back at least ten feet from any residential zone.

2. Flashing signs are prohibited.

3. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.

ARTICLE 11. SUPPLEMENTARY PROVISIONS

11.10 Exceptions

11.11 Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues and other architectural features may project not more than two feet into a required yard of open space as established by this ordinance.

11.12 Height Exceptions. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, church spires, belfries, radio and television antennae, flagpoles, smoke stacks and other similar projections.

11.20 Accessory Uses and Facilities. Accessory uses and facilities shall be permitted in any district when incidental to and associated with a permitted use or facility, or when incidental to and associated with an allowable and authorized conditional use therein, subject to the provisions of this section.

11.21 Accessory Uses and Facilities. Accessory uses and facilities shall meet the following requirements.

1. Shall be subordinate to the primary activity of the principal use or the principal facility, respectively.

2. Shall contribute to the comfort, convenience, efficiency, or necessity of the occupants or the activities of a principal use, or the function of a principal structure.

3. Shall be located on the same site as the principal use or structure served.

4. Shall not violate setback requirements or maximum lot coverage standards provided for in Article 3.

11.22 Accessory uses and facilities include, but are not limited to, the following examples.

1. A home occupation is an accessory use in a residence.
2. A residence is an accessory use in a business.

11.23 Continuation of Allowable Accessory Use. No use or facility permitted as an accessory use or facility pursuant to this section shall be construed to be permitted as a principal use or facility unless specifically authorized as a permitted or conditional use in the district in which it shall be located. Operation, occupancy, and continuance of allowable accessory uses and facilities shall be conditional upon the occupancy or use of the principal use or facility being served.

ARTICLE 12. ADMINISTRATIVE PROVISIONS

12.10 Form of Petitions, Applications and Appeals. Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the city. Applications shall be accompanied by plans and specifications, drawn to scale, showing actual shape and dimensions of the lot to be built upon; the size and locations of existing and proposed structures; the intended use of such structures; the number of families, if any, to be accommodated thereon; the relationship of the lot to the surrounding property; the legal description of the lot; the location of any off-street parking; the names and addresses of owners of property within 250 feet of the exterior boundaries of the lot; and such other information as is needed to determine conformance with this ordinance. Applications shall be accompanied by a filing fee in an amount established by the city council.

12.20 Notice of Public Hearings.

12.21 Published and Posted Public Notice. Notice of public hearing on a proposed application, petition, amendment to the text of this ordinance or appeal shall be published in a newspaper of general circulation in the city at least 10 days prior to the date of the hearing. In the alternative, if there is no newspaper of general circulation, each notice of hearing authorized by this ordinance shall be posted in at least two conspicuous places within the city continuously beginning at least 10 days prior to the date of the hearing.

12.22 Personal Written Notice. In addition, a notice of a hearing on a conditional use, a variance or an amendment to the zoning map which would change boundaries, classification or uses shall be sent to owners of property within 250 feet of the property for which the conditional use, variance or amendment has been requested. Such notice shall be mailed at least 10 days prior to the date of the hearing.

12.23 Failure to Receive Notice. Failure of a person to receive notice as prescribed in this article shall not impair the validity of the hearing.

12.24 Purpose of Public Hearing. The hearing shall allow interested property owners the opportunity to be heard and to present and rebut evidence.

12.25 Recess of Hearing. The city council may recess a hearing in order to obtain additional information or to serve further

notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing the time and date when the hearing is to be resumed shall be announced.

12.26 Notice to Applicant of Action. Within ten days following the close of a hearing the city recorder shall provide the applicant with a written notice of the city council's action on the application, the findings of fact on which the action is based, and any conditions imposed, signed by the mayor and city recorder.

12.30 Building Permits. No permit shall be approved by the city for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this ordinance.

12.40 Amendments.

12.41 Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zone boundary may be initiated by the city council, an affected governmental unit, or by application of a property owner or resident of the city. The request by a property owner or resident for an amendment shall be accomplished by filing an application with the city recorder.

12.42 Public Hearings on a Proposed Amendment. A public hearing shall be held by the city council with the public notice given as provided in Article 12.20, on any proposed amendment to the zoning ordinance, at its earliest practicable meeting after the amendment is proposed. The city council shall, within 40 days after the hearing, approve, disapprove, or conditionally approve the proposed amendment stating the findings of fact upon which the decision was based.

12.43 Record of Amendments. The city shall maintain a record of amendments to the text and maps of this ordinance in a form convenient for use by the public.

12.44 Limitation on Reapplications. No application for an amendment to the text of this ordinance or to a zone boundary shall be considered by the city council within the one-year period immediately following a previous denial of such request, except the city council may permit a new application if in the opinion of the city council new evidence or a change of circumstances warrants it.

"SECTION 12.45

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

(b) In accordance with ORS 227.178, if an application for a permit or a zone change is incomplete, the council or the city recorder for permits granted or denied by the recorder shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application and shall allow the applicant a reasonable opportunity to submit the missing information.

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

13.20 Authorization of Similar Uses. The city council may rule that a use not specifically listed among the allowed uses in a zone shall be permitted as an allowed use, if it is similar to the allowed uses in the zone, if its effect on adjacent properties is substantially the same as that of allowed uses, and if it is not specifically listed as an allowed use in another zone.

13.30 Penalty. A person violating a provision of this ordinance shall upon conviction, be punished by a fine of not more than $1,000.00. A violation of this ordinance shall be considered a separate offense for each day that the violation continues.

In the alternative, where a use exists or is proposed to be located, constructed, repaired, altered or used in violation of this ordinance the city may institute injunction, abatement or other appropriate proceedings to prevent, abate or remove such use.

13.40 Severability. The provisions of this ordinance are severable. If a article, sentence, clause or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

The City Council declares an emergency and this ordinance will take effect upon the date of adoption.

Approved and Adopted by the Mitchell City Council on this 20 day of January, 1980.

Mayor

ATTEST:

George M. Schnee
City Recorder

CITY OF MITCHELL, OREGON

APPLICATION TO AMEND ZONING ORDINANCE

APPLICANT

Name _____

Address _____

Phone No. _____

TYPE OF APPLICANT (Check one)

Landowner (agent*) within Urban Growth Boundary _____

Resident (renter) within Urban Growth Boundary _____

Governmental Unit: City of Mitchell_____, County_____.

Special District _____, State Agency _____, Federal Agency _____

*Note: If agent, attach written authorization to represent landowner.

TYPE OF AMENDMENT

___ Text: Applicant shall prepare and attach a copy of proposed text amendment to this application. Section to be amended _____

___ Map: Present Zoning Classification is _____

Proposed Zoning Classification is _____

Applicant shall prepare and attach the following to this application:

(1) 8 1/2" x 11" location map of area subject to proposed map amendment drawn to scale,

(2) Either assessor's map or other parcel map drawn to scale showing proposed map amendment, and

(3) A list of names and addresses of property owners** whose property is subject to the proposed map amendment or within 250 feet of the exterior boundary thereof, and

(4) Other information specified in Section 12.10 of the Zoning Ordinance

**Note: This information available from County Assessor's office.

JUSTIFICATION FOR AMENDMENT

Applicant shall prepare and attach a presentation of facts and reasons which establish need, appropriateness and purpose of the proposed amendment.

FEE

Refer to fee schedule adopted by City Council. $_____

I, _____, (Circle one: Landowner, agent, resident, representative of government unit) swear that the details and information contained in the above application and attachments thereto are true and correct to the best of my knowledge.

_____ _____
Signature of Applicant Date

I, _____, City Recorder of Mitchell, Oregon, attest that the foregoing application and attachments thereto were received by me on the _____ day of _____, 19 _____, from _____ accompanied by a fee of $_____.

_____
City Recorder

CITY OF MITCHELL, OREGON

VARIANCE/CONDITIONAL USE APPLICATION
(ZONING ORDINANCE)

APPLICANT

Name _____

Address _____

Phone No. _____

TYPE OF APPLICANT (Check one)

Landowner (agent*) within City Limits _____

Governmental Unit: City of Mitchell____, County _____,
Special District _____, State Agency _____, Federal Agency _____.

*Note: If agent, attach written authorization to represent landowner.

TYPE OF APPLICATION

Zoning classification of property is _____.

___ Variance. Please refer to Article 6 of the Zoning Ordinance for variance requirements. Briefly describe the type of variance being requested:

_____

_____

_____

___ Conditional Use. Please refer to Article 5 of the Zoning Ordinance for conditional use requirements and to Article 3 for types of conditional uses allowed. Type of conditional use being requested is _____

_____

ATTACHMENTS

Applicant shall prepare and attach the following to this application:

(1) A presentation of facts and reasons which establish need, appropriateness and purpose of the Variance/Conditional Use request, and

(2) 8 1/2" x 11" location map of area subject to proposed Variance/Conditional Use drawn to scale, and

(3) Either assessor's map, parcel map, or site plan drawn to scale showing proposed Variance/Conditional Use, and

(4) A list of names and addresses of property owners** whose property is subject to the proposed Variance/Conditional Use or within 250 feet of the exterior boundary thereof, and

(5) Other information specified in Section 12.10 of the Zoning Ordinance.

**Note: This information available from County Assessor's office.

FEE

Refer to fee schedule adopted by City Council. $_____

I, _____ (Circle one: Landowner, agent, representative of government unit) swear that the details and information contained in the above application and attachments thereto are true and correct to the best of my knowledge.

_____ _____
Signature of Applicant Date

I, _____, City Recorder of Mitchell, Oregon, attest that the foregoing application and attachments thereto were received by me on the _____ day of _____, 19 _____, from _____, accompanied by a fee of $ _____.

_____
City Recorder

SCHEDULE AND CHECKLIST

APPLICATION TO AMEND CITY OF MITCHELL ZONING ORDINANCE

Date

1. Application submitted by applicant* _____
2. City Council hearing date set _____
3. Public notice of City Council hearing
    a) Mailed to property owners _____
    b) Mailed to affected governmental units _____
    c) Published in local newspaper or posted _____
4. City Council hearing held _____
5. City Council decision (within ten days of hearing) _____
6. Applicant notified of decision _____
7. Effective date, if amendment adopted by City Council _____
8. County notified, pursuant to ORS 308.342, if amendment approved. _____

*Note: Applications for Zoning Map amendments for areas within the Urban Growth Boundary outside city limits should be made to the County.

CITY RECORDS

APPLICATION TO AMEND CITY OF MITCHELL ZONING ORDINANCE

1. Application and attachments thereto
2. Schedule and checklist
3. Copies of public notices
4. Analysis of applicable plan goals and policies. Note: All amendments to the Zoning Ordinance text or Map must be consistent with the adopted Comprehensive Plan.
5. City Council hearing record, findings of fact, conclusions, decision
6. Copy of notice to applicant of decision
7. Copies of notices to County if amendment approved.

SCHEDULE AND CHECKLIST

CITY OF MITCHELL' VARIANCE/CONDITIONAL USE APPLICATION
(ZONING ORDINANCE)

	Date
1. Application submitted by applicant*	_____
2. City Council hearing date set	_____
3. Public notice of City Council hearing	
a) Mailed to property owners	_____
b) Mailed to affected governmental units	_____
c) Published in local newspaper or posted	_____
4. City Council hearing held	_____
5. City Council decision (within 10 days of hearing)	_____
6. Applicant notified of decision	_____
7. Effective date, if request approved by City Council	_____

*Note: Applications for Variance/Conditional Use for areas within the Urban Growth Boundary outside city limits should be made to the County.

CITY RECORDS

CITY OF MITCHELL VARIANCE/CONDITIONAL USE APPLICATION
(ZONING ORDINANCE)

1. Application and attachments thereto
2. Schedule and checklist
3. Copies of public notices
4. Analysis of applicable plan goals and policies. Note: All Variance/Conditional Use must be consistent with the adopted Comprehensive Plan.
5. City Council hearing record, findings of fact, conclusions, decision
6. Copy of notice to applicant of decision

CITY OF MITCHELL, OREGON

APPLICATION FOR BUILDING/MOBILE HOME ZONING SIGNOFF
(ZONING ORDINANCE)

LANDOWNER

Name _____

Address _____

Phone No. _____

APPLICANT* (if different from above)

Name _____

Address _____

Phone No. _____

*Note: Attach written authorization to represent landowner.

TYPE OF APPLICATION

_____ Building: _____ Construct _____ Remodel _____ Other

_____ Mobile Home: _____ Install _____ Other

Brief description of project: _____

_____

BACKGROUND INFORMATION

Lot No. _____, Block No. _____, Assessor's Map No. _____ with frontage on (name) _____ which is a (check one) city street _____, county road _____, or state highway _____.

Note: If county road or state highway an access permit shall be required.

In Flood Hazard Area: (yes/no) _____

Fire Zone: One _____ Two _____ Three _____

Utilities: City Water _____ Well _____; City Sewer _____ Septic Tank _____

Zoning classification is _____

Intended use of the building/mobile home is _____

Is intended use allowed as an outright use in the zone? (yes/no) _____

If no, is intended use allowed as a conditional use in the zone? (yes/no)_ __

If yes, a conditional use application will be necessary.

If neither an outright or conditional use, a Zoning Ordinance amendment will be necessary. Note: All Zoning Ordinance amendments must be consistent with the Comprehensive Plan.

ZONING ORDINANCE REQUIREMENTS

Type	Requirement*
Dimensional Standards (see Article 3)	
Street Frontage	_____
Lot Depth	_____
Front Yard	_____
Side Yard (each)	_____
Rear Yard	_____
Lot Area	_____
Lot Width (at front building line)	_____
Lot Coverage (Building Area ÷ Lot Area = _____%)	_____
Building Height	_____
Mobile Homes (see Article 7)	_____
Signs (see Article 10)	_____
Additional Requirements (see Section 3.40)	
Clear Vision Area	_____
Hazard Areas	_____

*Note: Fill in applicable dimensional standard or indicate yes, no or n/a as appropriate.

SITE PLAN

Applicant shall prepare and attach to this application a site plan drawn to scale showing how all applicable requirements of the Zoning Ordinance shall be satisfied.

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Uniform Building Code as administered by the State of Oregon. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances of the City of Mitchell and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application.

_____ _____

Signature of Applicant Date

I, _____, City Recorder of Mitchell, Oregon, attest that the foregoing application and attachments thereto were received by me on the _____ day of _____, 19 ____.

_____

City Recorder

CITY OF MITCHELL
(To be filled out by City official)

Applicant's site plan and intended use meet all applicable Zoning Ordinance requirements (yes/no). _____

If yes, the Zoning Signoff Application shall be approved by the City.

If no, the Zoning Signoff Application is not approved for the following reason(s):

_____

_____

_____

_____

_____

_____

_____

_____

If the application is not approved, the applicant may revise his application as necessary or (check all appropriate):

_____ Apply for a variance

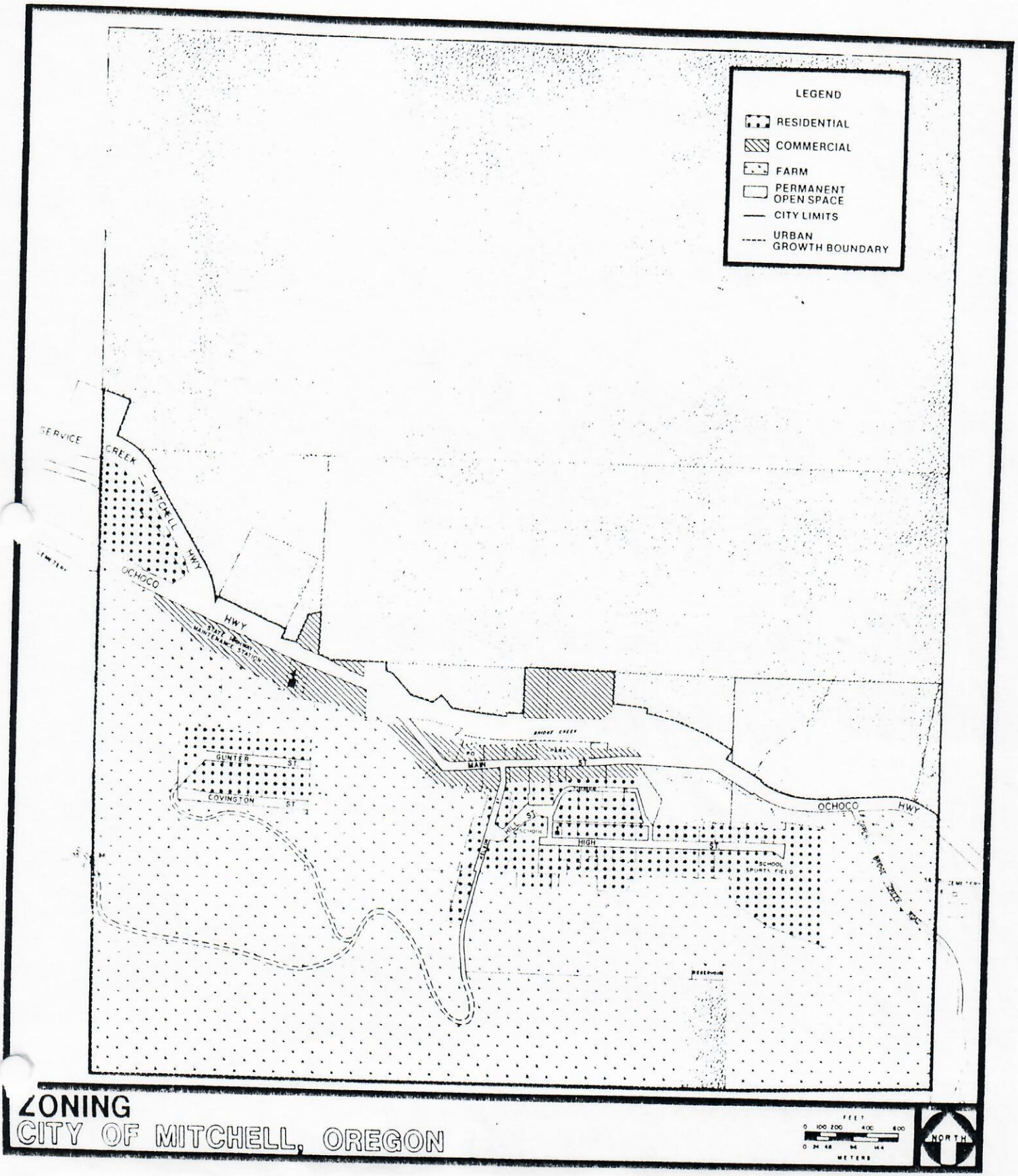
_____ Apply for a conditional use

_____ Request a Zoning Ordinance amendment

_____ Request a Comprehensive Plan amendment.

_____ _____

Mitchell City Official Date



ZONING
CITY OF MITCHELL, OREGON