

SUMPTER ZONING ORDINANCE No. 1984-3

SUMPTER, OREGON

Approved this 3 day of March, 1983.

Claine Lampre
Mayor

Attest: Ann Marie Allison
City Recorder

Passed and Adopted June 21, 1984.

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS FOR THE CITY OF SUMPTER, OREGON

The City of Sumpter, Oregon, ordains as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Title. This ordinance shall be known as the Sumpter Zoning Ordinance of 1982.

Section 1.030. Definitions. As used in this ordinance the following words and phrases shall mean:

(1) Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

(2) Accessory use or accessory structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

(3) Alley. A street which affords only a secondary means of access to property.

(4) Base Flood. Inundation during periods of higher than normal streamflow that has a one per cent chance of being equalled or exceeded in any given year.

(5) Building. A structure, but not a mobile home, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection to the ground.

(6) Development. A man-made change to improve or unimprove real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

(7) Dwelling, multi-family. A building or portion thereof, designed for occupancy by three or more families living independently of each other.

(8) Dwelling, single-family. A detached building containing one dwelling unit and designed for occupancy by one family only.

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

(10) Dwelling unit. One or more rooms in a building or mobile home that are designed for occupancy by one family and that have not more than one cooking facility, but not including space in a structure or vehicle designed for camping or other temporary occupancy such as a tent or recreation vehicle.

(11) Family. An individual, or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together in a dwelling unit and providing meals or lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons living together in a dwelling unit.

(12) Flood. A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

(13) Flood Hazard Boundary Map. An official map of the community furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map and delineating the boundaries of the special hazard areas.

(14) Flood Insurance Rate Map. An official map of the community furnished by the Federal Insurance Administration labeled a Flood Insurance Rate Map and delineating both the special hazard areas and the risk premium zones applicable to the community.

(15) Flood Plain. The area adjoining a stream that is subject to inundation by a base flood.

(16) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood.

(17) Floodway Fringe. The area of the flood plain lying outside of the floodway.

(18) Grade, ground level. The average elevation of the finished ground elevation at the centers of all walls of a building, except that is 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.

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(19) Gravel operations. The recovery of rock by crushing, sorting, screening, stockpiling and/or asphaltic compounding usually for use on other sites.

(20) Height of building. 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 to the center height between the highest and lowest points of other types of roofs.

(21) Home occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling or customary accessory structure.

(22) Livestock. Domestic animals of types customarily raised or kept on farms for profit or other purposes.

(23) Lot. A unit of land that is created by a sub-division of land.

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

(25) Lot, corner. A lot abutting on two or more streets other than an alley, at their intersection.

(26) Lot line. The property line bounding a lot.

(27) Lot line, front. The lot line separating the lot from the street other than an alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.

(28) Lot line, rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

(29) Lot line, side. Any lot line not a front or rear lot line.

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

(31) Mobile home. A structure, transportable in one or more sections, each built on a permanent ^{chassis} chassis, and which is designed to be used for permanent occupancy as a single-family dwelling.

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(32) 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.

(33) Nonconforming structure or use. A lawful existing structure or use 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.

(34) Owner. An owner of property or the authorized agent of an owner.

(35) Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

(36) Parcel. A unit of land that is created by a partitioning of land.

(37) 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 for residential use.

(38) Recreation vehicle park. A lot which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles.

(39) 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.

(40) Solar access path. An area which will provide direct access to the rays of the sun which lies within an azimuth of 155° from the southeast corner of a building to an azimuth of 205° from the southwest corner and above a plane which is 22° above horizontal. South is an azimuth of 180°.

(41) Street. A public right-of-way for vehicular and pedestrian traffic.

(42) Structure. Something constructed or built, or a piece of work artificially built up or composed of parts joined together in some definite manner.

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(43) Structural alteration. A change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

(44) Trailer park. A lot which is operated on a fee or other basis as a place for the parking or siting of two or more occupied homes or recreation vehicles.

(45) Use. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

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

(47) 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 a building or other structure.

(48) Yard, rear. A yard 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 a building or other structure.

(49) Yard, side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.

(50) Yard, street side. A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.

(51) Utility facilities. The means for the distribution of water, electricity, telephone and television services, and the related support structures.

Section 1.040. Compliance with Ordinance. Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance permits.

ARTICLE 2. ESTABLISHMENT OF ZONES

Section 2.010. Classification of Zones. For the purpose of this ordinance, the following zones are hereby established:

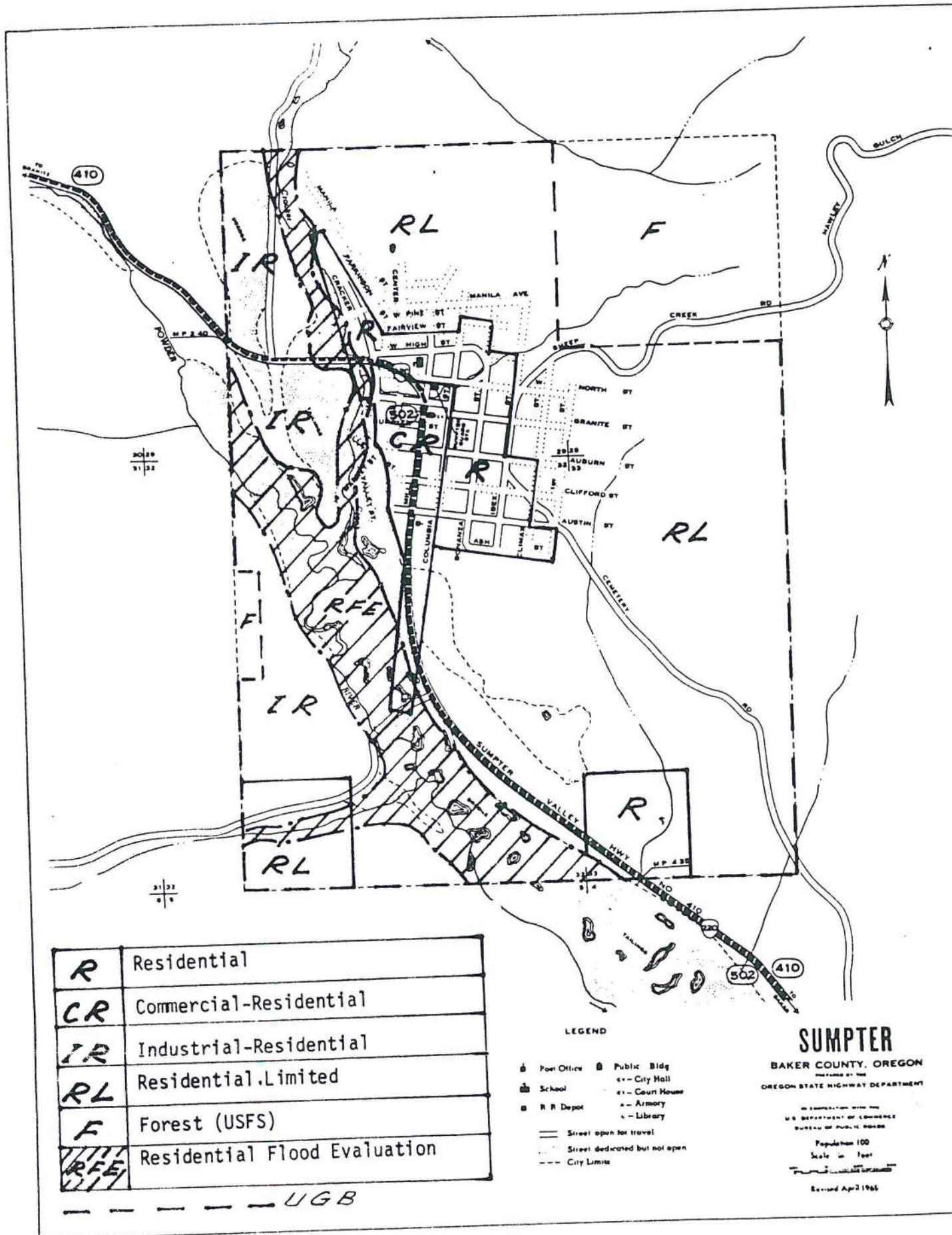
<u>Zone</u>	<u>Abbreviated Designation</u>
Residential-Limited	R-L
Residential	R
Commercial-Residential	CR
Industrial-Residential	IR
Forest	F

Section 2.020. Location of Zones. The boundaries for the zones listed in this ordinance are indicated on the Sumpter Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 2.030. Zoning Map. A zoning map or zoning map amendment adopted by Section 2.020 of this ordinance or by an amendment thereto shall be prepared by authority of the planning commission or be a modification by the city council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendments shall be maintained in the office of the city clerk as long as this ordinance remains in effect.

Section 2.040. Zone Boundaries. Unless otherwise specified, zone boundaries are section lines, sub-division lines, lot lines, center lines of street rights-of-way or such lines extended.

Section 2.050. Zoning of Annexed Areas. ^(NON) Unzoned areas annexed to the city shall be in the R zone until the city zones it otherwise.



R	Residential
CR	Commercial-Residential
IR	Industrial-Residential
RL	Residential Limited
F	Forest (USFS)
RFE	Residential Flood Evaluation

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- LEGEND
- ☐ Post Office
 - ☐ Public Bldg
 - ☐ School
 - ☐ R R Depot
 - ☐ City Hall
 - ☐ Court House
 - ☐ Armory
 - ☐ Library
 - Street open for travel
 - Street dedicated but not open
 - City Limits

SUMPTER
 BAKER COUNTY, OREGON
 PREPARED BY THE
 OREGON STATE HIGHWAY DEPARTMENT
IN COOPERATION WITH THE
 U.S. DEPARTMENT OF COMMERCE
 BUREAU OF PUBLIC ROADS
 Population 100
 Scale in Feet
 Revised April 1965

ARTICLE 3. RESIDENTIAL-LIMITED ZONE

Section 3.010. The Residential-Limited Zone, R-L. All the land within the R-L Zone is undeveloped, except for a few homes along existing streets or roads.

Section 3.020. Development in the R-L Zone.

(1) Developers are to furnish their own water source, subject to city services.

(2) Roads and streets are to be constructed to minimum city standards.

Section 3.030. Replats in the R-L Zone. Replats will be encouraged for existing undeveloped plats.

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Section 3.100. Uses Permitted Outright in an R-L Zone. In an R-L Zone, the following uses and their accessory uses will be permitted outright:

(1) Uses permitted outright in the R Zone subject to the supplementary provisions of Section 3.150.

(2) Recreation vehicles subject to the provisions of Section 3.180.

Section 3.150. Supplementary Provisions for Outright Uses in the R-L Zone. In an R-L Zone, the following supplementary provisions must be complied with for an outright use:

(1) Evidence of septic suitability or other sewage disposal plan approved by the proper state authority.

(2) The lot or parcel must be adjacent to a constructed street. If the proposed site is not served by an appropriate street, then an agreement between the developer, other affected land owners and the city to construct a street to standard must be negotiated before final approval to grant a permit.

(3) Evidence that the lot or parcel is within a serviceability area for city water in accordance with the capital improvement ordinance or a written statement the land owner accepts full responsibility for a water source.

(4) Evidence that all other utility services to be requested will be installed in accordance with the utility standards adopted by the city.

Section 3.180. Recreation Vehicles on Individual Lots in the R-L Zone. To provide a property owner a reasonable opportunity to utilize his lot or parcel, a recreation vehicle may be installed on an individual lot in the R-L Zone when it complies with the following standards:

(1) Other uses are prohibited by failure to comply with the provisions of Section 3.150.

(2) The recreation vehicle is totally self-contained with it's own water supply, toilet facilities and wastewater holding tanks. Disposal of wastewater must be in compliance with applicable state regulations.

(3) The lot or parcel must have reasonable access to a public street or road.

(4) Landscaping shall be a minimum to provide a siting for the recreation vehicle, one parking space and a fire break.

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- (5) Permanent occupancy is prohibited.

Section 3.200. Dimensional Standards in an R-L Zone. In an R-L Zone, the dimensional standards of the R Zone shall apply.

Section 3.300. Other Provisions for an R-L Zone. In an R-L Zone, the other provisions of Sections 4.300 and 4.700 of the R Zone shall apply to all outright uses that comply with Section 3.150.

Section 3.800. Conditional Uses Permitted in an R-L Zone. In an R-L Zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 10:

- (1) Parks or playgrounds.
- (2) Government use.
- (3) Timber harvesting that complies with the supplementary provisions of Section 3.880.

Section 3.840. Large Tracts of Timber Land Standards. Large tracts of timber land will be defined as areas of 10 acres or more within the R-L Zone. Development on these tracts shall meet the following standards:

- (1) The land owner will accept full responsibility for fire protection and snow removal.
- (2) Rustic cabins, small houses of less than 1,000 square feet, which are not provided with any public utilities. The land owner will provide the source of water and individual energy needs.
- (3) Whereas access roads may eventually be improved to be public streets in the future, an access road location shall require city approval.

Section 3.880. Timber Harvesting. A person planning timber harvesting in any zone shall submit the following plans and information with the conditional use application, except when the timber harvesting is for the purpose of hazard reduction or salvage and no new roads are necessary, Items (1) and (3) will not be required.

- (1) A timber management plan approved by the State Forestry Department.
- (2) A slash reduction plan that provided for complete logging slash disposal.
- (3) Whereas logging roads may be improved to be public streets in a future development, a logging road location plan shall require city approval.
- (4) A fire protection plan that is approved by the city and State Forestry Department.

Section 3.900. Flood Plan in the R-L Zone. The Federal Insurance Administration is in the process of completing a study of a Zone A flood plain in the southwest corner of Sumpter. When the map is completed and accepted by the city, the following ordinances will go into effect.

Section 3.910. Uses Permitted Outright in a Residential-Flood Evaluation Zone, R-FE. In R-FE Zone, the following are the only uses permitted outright and otherwise conform to the regulations for the primary zone:

(1) Agricultural use conducted without locating a structure in the zone except for a boundary fence that is designed to impede as little as possible the movement of flood waters and flood carried material.

(2) Recreation use that requires no structures or only structures that would have an insignificant effect on flood waters such a structures associated with a tennis court, driving range, archery range or picnic grounds.

(3) Portions of a recreation vehicle park or camping area that are occupied only temporarily and that do not contain buildings.

(4) Portions of a residential use that do not contain buildings, such as a lawn, garden, parking area or play area.

Section 3.912. Conditional Uses Permitted in the Floodway of an R-FE Zone. In an R-FE Zone, the following uses and their accessory uses are permitted within a floodway that is identified pursuant to Section 3.916, and these uses are subject to the provisions of Article 10:

(1) A roadway, bridge, or utility structure that will not impede the waters of a base flood.

(2) Incidental storage of material or equipment that either is not subject to damage by a flood or is mobile and readily removable from the area within the limited time available after flood warning. If not readily removable, the material or equipment shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall be only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.

(3) Gravel extraction.

Section 3.914. Conditional Uses Permitted in the Floodway Fringe of an R-FE Zone. A use permitted in the R-L Zone and that is not permitted by Section 3.910, is permitted within a floodway fringe that is identified pursuant to Section 3.916, and these uses are subject to the provisions of Article 10.

Section 3.916. Classification of Property in an R-FE Zone. Upon receipt of an application for a use permitted in the R-FE Zone and that is not permitted by Section 3.910, the property shall be classified into portions in the floodway, portions in the floodway fringe, and portions outside the flood plain. When requested, the applicant shall provide information needed to make the classification and determine the severity of the potential flood conditions, including, but not limited to the following:

(1) The location of the property with reference to channel stations and flood profile elevations.

(2) The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five per cent and for areas immediately adjacent to a stream, two-foot for ground slopes between five and ten per cent, and five-foot for greater slopes.

(3) The location of existing and proposed diking or revetments, if any.

(4) In the case of a subdivision, profiles of the ground surface perpendicular to and extending in both directions from the stream to an elevation above the probable base flood elevation near the upstream and downstream boundaries within the subdivision, at least one for each 1,000 feet of stream centerline, and to a point at least 2,000 feet below the downstream boundary of the subdivision.

(5) In the case of a subdivision, engineering data related to the base flood showing the magnitude in cubic feet per second, flood profiles, and the floodway and flood plain boundaries within the subdivision.

ARTICLE 4. RESIDENTIAL ZONE

Section 4.010. The Residential Zone, R. The R Zone is land primarily suited and desirable for single-family residential and possibly multi-family development. Multi-family housing is not permitted as an outright use because of the special conditions created by high-density use which are beyond the capabilities of the city at this time. The use will be granted promptly if a conditional use application is submitted with all the supplemental information required by Section 4.810 and Article 10.

Section 4.100. Uses Permitted Outright in an R Zone. In an R Zone, the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling, including a mobile home that complies with the requirements for other single-family dwellings and the supplementary provisions of Section 4.400.
- (2) Two-family dwellings.
- (3) Home occupations that comply with the supplementary provisions of Section 4.300.
- (4) Crop cultivation, including farm, truck garden or plant nursery.
- (5) Utility facilities necessary for public service if conforming to an approved utility plan.

Section 4.200. Dimensional Standards in an R Zone. In an 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 5 feet, except that on a corner lot line, the side yard on the street side shall be a minimum of 15 feet.
- (3) The rear yard shall be a minimum of 10 feet.
- (4) The lot area shall be whatever the Department of Environmental Quality approves.
- (5) The lot depth shall be a minimum of 100 feet.
- (6) Building height shall be a maximum of 30 feet.
- (7) Not more than 40 per cent of the lot area shall be covered by buildings.
- (8) A general exception to the front yard and corner side yard is that garages will only require a minimum setback of 5 feet when a minimum of 40 feet from a block corner, providing said setbacks do not create conflicts with other provisions of this ordinance.
- (9) Livestock grazing will not be permitted on lots having an area of less than 20,000 square feet. The total number of animals over six months of age shall not exceed one horse or cow for each 10,000 square feet of lot area or one sheep or goat for each 5,000 square feet of lot area. The number of mature domestic fowl or rabbits shall not exceed one per 500 square feet of lot area.

Section 4.300. Home Occupations. When a home occupation is to be conducted within the R Zone, it shall comply with the following provisions:

(1) The residential character of the dwelling and accessory structures is maintained.

Section 4.400. Mobile Homes on Individual Lots. When a mobile home is installed, it shall comply with state installation standards. A mobile home on an individual lot shall comply with the following additional provisions.

(1) The mobile home shall be placed a maximum of 3 feet above the ground level at any point, unless the mobile home is placed upon a basement foundation.

(2) The mobile home shall have modern plumbing facilities.

(3) The mobile home plumbing shall be connected to the city water supply, if available, and have an approved sewage disposal system.

(4) The mobile home shall have continuous skirting.

(5) The mobile home shall be owned by the owner of the lot on which it is installed or a lot owner may negotiate and submit to the city clerk a rent or lease agreement with a mobile home owner fixing the responsibility of each to the compliance of the provisions of this and other city ordinances.

(6) The owner, or his agent, if applicable, of the lot shall agree that if the mobile home is removed from its foundation, the owner or his agent shall within a reasonable period of time, either replace the mobile home with another approved mobile home or remove a temporary foundation and mobile home accessory structures on the property and disconnect water and other utilities. The agreement shall further state that the city may make the removal and disconnection and place a lien against the property for the cost of the work if the owner or his agent fails to perform the work within a reasonable period.

(7) The mobile home shall contain at least 500 square feet of space, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a mobile home accessory structure shall not be included. In the event a large influx of temporary residents should happen for a construction job or the like, the square footage requirement may be waived for mobile home lots that exist at the time for the duration of the need for emergency housing. New lots for mobile homes of less than 500 square feet of space must conform with the provisions of Section 4.840.

(8) Mobile homes to be installed on lots which have been prepared as mobile home sites prior to the adoption of this ordinance shall comply with these standards.

Section 4.700. Solar Energy. Whereas Sumpter is a fairly isolated community which can be subject to extended power outages, and whereas other energy sources are beginning to be limited in supply and high in cost, and whereas solar energy as rays from the sun and biomass in the form of wood is readily available, the use of solar energy as a passive or active system to be the primary or secondary source of space heating, cooking and hot water heating in all dwellings will be encouraged. Installations must be in accordance with applicable state regulations.

Section 4.800. Conditional Uses Permitted in an R Zone. In an R Zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 10 and complies with the

conditional use standards of Sections 4.810 and 4.880:

- (1) Church.
- (2) Community building, park or playground.
- (3) Fraternal buildings.
- (4) Hospital, sanitarium, rest home, nursing or convalescent home.
- (5) School.
- (6) Day care center.
- (7) Multiple family dwelling.
- (8) Mobile home park.
- (9) Recreation vehicles.
- (10) Professional office.
- (11) Government use.
- (12) Planned Unit Development.
- (13) Timber harvesting.

Section 4.810. High Density Conditional Use Standards. In addition to the standards of the R zone, the conditional uses listed in Section 4.800 (1-7) shall meet the following standards:

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(1) All such development will be on a street which is constructed to standards as adopted by the city council. If the proposed site is not served by an appropriate street, then an agreement between the developer, other affected land owners and the city as to who will do the work and who will bear the cost to bring the street to standard must be negotiated before final approval of a conditional use permit. Snow removal and other adverse access problems will be considered in granting a permit.

(2) Adequate off-street parking shall be provided. Off-street parking areas must be set back from a residential property side line by a minimum of 20 feet.

(3) Multiple family dwellings will have a maximum of six (6) dwelling units per structure.

Section 4.830. Mobile Home Park Conditional Use Standards. A mobile home park shall be built to state standards in effect at the time of construction and shall comply with the following additional provisions:

(1) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

(2) The space provided for each mobile home shall be provided with piped potable water and electrical and sewage connections.

(3) No mobile home in the park shall be located closer than 24 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.

(4) A mobile home shall occupy not more than 40 per cent of the contiguous space provided for the exclusive use of the occupants of the mobile homes and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways and area for recreation and landscaping.

(5) A mobile home permitted in the park shall contain not less than 224 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.

(6) A mobile home permitted in the park shall contain modern plumbing facilities and food preparation space.

(7) A mobile home permitted in the park shall be provided with a continuous skirting.

(8) Required Improvements. The following improvements shall be required subject to applicable standards as approved by the city council upon recommendation of the planning commission.

- (a) Interior streets.
- (b) Water lines and fire hydrants.
- (c) Underground utilities.
- (d) Provision for adequate drainage.

(9) Optional Improvements. The following improvements may be required subject to applicable standards as approved by the city council upon recommendation of the planning commission.

- (a) Curbs or sidewalks or both.
- (b) Street lights.
- (c) Guest or Recreational Vehicles parking or both.
- (d) Fenced play area(s) or park(s) or both.
- (e) Recreational facilities.
- (f) Groundcover or trees or both.
- (g) Laundry facilities.
- (h) Other suitable improvements as determined by the planning commission or city council.
- (i) Six (6) foot sight obscuring perimeter fence or landscaping.

Section 4.840. Recreation Vehicles on Individual Lots as a Conditional Use. Because of the tourist and vacation type residents of Sumpter, and to better utilize the vacant properties in the R zone, recreation vehicles on individual lots will be permitted as a conditional use that comply with the following requirements and are in accordance with Article 10:

(1) The lot shall be connected to the city water supply, if available, and have an approved sewage disposal system.

(2) Occupation of a lot by a recreation vehicle shall not be of a permanent nature.

(3) Permanent structures will be permitted as long as they comply with local standards.

(4) A garage shall be separated from a recreation vehicle by not less than 10 feet.

(5) The utility facilities will be sited, if possible, on the lot in a manner that the utilities would accomodate the siting of a mobile home on said lot at a future date with the proper yard dimensions.

Section 4.860. Planned Unit Development. Planned unit development will be in accordance with Article 12.

Section 4.880. Timber Harvesting Conditional Use Standards. Timber harvesting in the R zone shall be subject to the provisions of Section 3.880.

Section 4.890. Signs in the R Zone. In the R zone, signs will be permitted as follows:

(1) Each dwelling unit shall be permitted to have one address and name at the residence sign, which has a maximum of 4 square feet.

(2) Home occupations will be permitted one identification sign with a maximum of 4 square feet and such signs shall be solely for the purpose of displaying the name and listing the product or service available.

(3) Signs permitted in (1) and (2) of this section shall be attached to the dwelling or an authorized accessory structure.

(4) Conditional uses allowed in the R zone will be permitted identification signs having a maximum sign area of 32 square feet and meeting the approval of SHAC design standards.

Section 4.900. Off-street Parking in the R Zone. In an R zone, off-street parking will be provided as follows:

(1) Each dwelling unit shall be provided with two parking spaces, except in multi-family dwellings, it shall be one and one-half spaces per dwelling unit.

(2) Off-street parking for conditional uses in the R zone will be based on the anticipated need as determined during a hearing.

(3) The placement of snow in a public right-of-way from off-street parking areas is prohibited.

Section 4.930. The Residential Historical preservation for the CR Zone. All new structures may have an exterior finish and design which was prominent in Sumpter during the 1890-1917 era. Any exterior remodeling will be encouraged to follow the design standards as set forth in this section. The following means will be taken by the city to assist property owners acheive this standard:

(1) The city council shall appoint a Sumpter Historical Aesthetics Committee, SHAC, in accordance with Section 5.020.

(2) SHAC may provide aids and guidelines for exterior building designs such as (a) a catalog of pictures of original homes in Sumpter from the 1890-1917 era, (b) inventory of existing houses from this era, and (c) a list of approved exterior finish materials.

ARTICLE 5. COMMERCIAL-RESIDENTIAL ZONE

Section 5.010. The Commercial-Residential Zone, CR. The land in the CR zone is the historic business district of Sumpter from 1890-1917.

Section 5.020. Sumpter Historical Aesthetic Committee. There is hereby created a Sumpter Historical Aesthetic Committee, SHAC, which shall consist of five members as follows: one council member, one planning commission member, two owners of property within the CR zone and one citizen-at-large. All members shall be appointed by the city council and will serve a term of four years. The initial members will draw lots to determine which two members will serve a one year term, with each of the other serving a two, three or four year term. Two alternates, one council member and one planning commission member will also be appointed to indefinite terms. Other organizational provisions of SHAC will be as follows:

(1) Officers. SHAC shall elect a chairman, vice-chairman and secretary. The secretary may be a person other than an appointee, but will not have a vote if not appointed by the city council.

(2) Meetings. SHAC shall meet at least once every three months and upon call of the chairman. A review meeting of a design standards application shall be held as necessary to provide a recommendation to the planning commission. Complete minutes of every meeting shall be submitted to the city clerk within 30 days. Any action by SHAC must be by a quorum of three members. If regular committee members are not available, alternates may be used to comprise a quorum.

(3) Rules. SHAC shall establish and adopt it's own rules of procedure.

Section 5.022. Duties of Sumpter Historical Aesthetic Committee. The Sumpter Historical Aesthetic Committee shall perform the following duties:

(1) SHAC shall serve in an advisory capacity and make recommendations concerning historical buildings, structures and sites in and adjacent to Sumpter to the city council, planning commission and other public or private agencies on matters relating to the preservation of such buildings, structures and sites.

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(2) SHAC shall have authority to coordinate historical preservation programs of the city, county, state and federal government and others as they relate to property within the city.

(3) SHAC shall review and make a recommendation to the planning commission for any commercial exterior building design in the CR zone before a zoning permit will be issued. However, if SHAC should fail to provide a recommendation before the required review of application by the planning commission, the planning commission may grant a permit without SHAC's recommendation.

(4) SHAC shall work with owners of historical buildings, structures and sites to assist the owners in finding funding with which to do restoration and repair work in order to help preserve the history of Sumpter. SHAC may actively pursue a program of public acquisition of historical buildings, structures or sites which are available.

Section 5.024. Guidelines for the Historical Aesthetic District. SHAC shall develop exterior building design guidelines for exterior remodeling or new commercial structures in the CR zone which must be adopted by city council resolution to be in effect. To assist property owners plan their design, SHAC shall prepare the following aids:

- (1) Inventory all existing buildings and structures in Sumpter from the 1890-1917 era.
- (2) Collect and catalog pictures of original businesses of Sumpter prior to the fire of 1917 as a visual aid for building design.
- (3) Prepare a list of approved exterior finishing materials.
- (4) Any building or structure from the 1890-1917 era is a historical building or structure. Other buildings or structures originating after this era may be classified by SHAC as being historical if they have a unique or interesting past, or a design of historical significance.

Section 5.026. Demolition of Historic Buildings. If an application is received for the demolition of any historical building, structure or site, the planning commission shall within 30 days after such application is initially filed with the city clerk, hold a public hearing on the issuance of a zoning permit for demolition. The planning commission will hear all interested parties.

PS 19 → SHAC will present testimony on it's efforts relative to Section 5.022 (4); the condition of the building, structure or site; the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving such historical buildings, structures or sites; and all other factors which it finds appropriate. If, based on SHAC's and others testimony, the planning commission determines that the building, structure or site is in a condition beyond reasonable cost for restoration or repair, and funding for it's preservation is not forthcoming, the permit will be granted in compliance with all ordinances and codes of the city and state.

If the planning commission, based on the facts of testimony, should determine it is in the public interest to preserve a building, structure or site, that the building, structure or site is reasonably restorable, and an active fund raising program has been initiated, then the issuance of the permit shall be suspended for a period not exceeding 60 days from the date of application.

During such period of suspension of permit application, no permit shall be issued for such demolition, nor shall any person demolish the building, structure or site, unless the city council has granted an appeal and directed such issuance. If a preservation program or project is unsuccessful and the applicant has not withdrawn his application for a zoning permit for demolition, the city clerk shall issue such permit, if the application otherwise complies with the codes and ordinances of the state and city.

Section 5.028. Historical Record of Demolished Historical Buildings, Artifacts.

- (1) If a designated historical building or structure is to be demolished, insofar as practicable and as funds are available, Sumpter Historical Aesthetic Committee shall keep a pictorial and graphic history of the historical building, structure or site with such additional data as it may obtain.

(2) To the extent funds are available or SHAC may obtain donations thereof, SHAC shall obtain artifacts from the building, structure or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical importance.

(3) Signs and plaques marking the locations of historical uses are permitted in accordance with Section 5.520 and other provisions as may be adopted by SHAC. Historical markers will not be subject to the sign permit provisions.

Section 5.100. Uses Permitted Outright in a CR Zone. In a CR zone, the following uses and their accessory uses are permitted outright:

- Amended By Ordinance No. 1987-1 March 20, 1987
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- (1) Governmental use.
 - (2) Retail or wholesale trade establishment.
 - (3) Repair and maintenance service.
 - (4) Office.
 - (5) Personal or business service establishment.
 - (6) Eating or drinking establishment.
 - (7) Financial establishment.
 - (8) Amusement establishment.
 - (9) Uses permitted outright in an R zone.
 - (10) Signs in accordance with Section 5.500.

Section 5.150. Residences in a Commercial Establishment. In a CR zone, no residential buildings will be permitted except those existing presently which will continue as non-conforming uses. Living quarters for the owner, manager or caretaker of a commercial establishment may be provided within the commercial building if the living quarters are inconspicuous from the general public view.

Section 5.200. Dimensional Standards in a CR Zone. In a CR zone, the dimensional standards of the R zone shall apply, with the following exceptions for commercial use:

- Amended By Ordinance No. 1987-1, March 20, 1987
- (1) The lot area shall be a minimum of 5,000 square feet.
 - (2) The lot width at the front building line shall be a minimum of 50 feet.
 - (3) The maximum lot coverage by buildings shall be controlled by the necessary open space required, such as for off-street parking and septic drainfields.
 - (4) The front yard shall be a minimum of 15 feet.
 - (5) Each side yard shall be a minimum of 5 feet, except that on a corner lot the side yard on the street side shall be a minimum of 15 feet.
 - (6) The rear yard shall be a minimum of 10 feet.
 - (7) The lot depth shall be a minimum of 100 feet.
 - (8) Building height shall be a maximum of 30 feet.

Section 5.500. Signs Permitted in the CR Zone. Signs for commercial purposes in the CR zone shall comply with the following standards:

- (1) Wall signs will not project above the ridge line of the roof and each sign will have not over a maximum of 50 square feet.
- (2) Projecting signs will not project more than 4 feet, have a minimum clearance of 10 feet above grade, will not project above the ridge line of the roof, have a minimum spacing of 20 feet, and have a maximum surface area of 15 square feet per side.
- (3) Free standing signs are not compatible with the design standards in Section 5.520, but when erected shall have a maximum height of not over 20 feet, and have a maximum of not over 35 square feet per side.
- (4) Each commercial establishment shall be permitted an aggregate sign area of one square foot per each lineal foot of frontage on the street the signs are facing, or 150 square feet, whichever is less.

Section 5.520. Sign Design Standards. Any commercial sign within the City of Sumpter shall meet the following design standards and will be reviewed by the Sumpter Historical Aesthetic Committee for compliance:

- (1) All signs shall be encouraged to be of rustic appearance and be similar to those used in the 1890-1917 era.
- (2) All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition.
- (3) No sign shall be constructed, erected or maintained which advertises or publicizes an activity, business, product or service not conducted on the premises upon which it is located.
- (4) Directional signs will be permitted for public and semi-public uses, such as parks and playgrounds, community buildings, churches, fraternal lodges and health care facilities. These signs shall allow no more than two lines 3 feet long with maximum 3 inch letters for each use.
- (5) A city directory sign may be located in a central location on private land for the purpose of listing any business or service available in Sumpter. The directory sign shall be designed and maintained by SHAC.

Section 5.700. Solar Energy. The utilization of solar energy in new construction will be encouraged for the same reasons as shown in Section 4.700, when it is practical.

Section 5.800. Conditional Uses Permitted in a CR Zone. In a CR zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 10:

- (1) Mobile home park that complies with the supplementary provisions of Section 4.830.
- (2) Recreation vehicle park that complies with the supplementary provisions of Section 5.840.
- (3) Trailer park which is a combination of the above.

Amended By Ordinance No. 1987-1 March 20, 1987

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Section 5.840. Recreation Vehicle Park Conditional Use Standards. In a CR zone, recreation vehicle park approved as a conditional use in accordance with Article 10 shall be built to state standards in effect at the time of construction and shall comply with the following provisions:

(1) The space provided for each recreation vehicle shall be not less than 700 square feet, exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than recreation vehicles.

(2) Roadways shall not be less than 30 feet in width, shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreation vehicle space.

(3) A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an access way to the recreation vehicle, or part of an outdoor patio, need not be paved or covered with gravel, provided the area is landscaped or otherwise treated to reduce dust or mud.

(4) A recreation vehicle space shall be provided with piped potable water and sewage disposal service. A recreation vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.

(5) A recreation vehicle space shall be provided with electrical service.

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(6) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.

X(7) The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

(8) The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each 15 recreation vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; and one toilet, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

(9) Building spaces required by subsection 8 of this section shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68° (F), shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.

(10) The land which is used for park purposes should be surrounded by trees and/or shrubs in such a manner so as to break up the visual impact of the recreation vehicle park.

(11) The park shall be maintained in a neat appearance at all times.

Section 5.900. Residential Uses in the CR Zone. Residential uses in the CR zone shall comply with all the provisions of Article 4 as related to residential uses.

ARTICLE 6. INDUSTRIAL-RESIDENTIAL USE

Section 6.010. The Industrial-Residential Use Zone, IR. The IR zone is mostly made up of property covered with gold dredge tailings or has been placer mined. Approximately 70% of the IR zone is a designated flood plain. The adversity to any use being permitted by such regulations as sanitation, flood proofing and others, prompts the city to allow any use that can comply with city, state and federal regulations.

Section 6.040. Special IR Zone Boundary. The west boundary of the IR zone, other than the city limits, will be the dredge tailing limits, which is an undefined line, but is very visible on the ground.

Section 6.100. Uses Permitted Outright in a IR Zone. In a IR zone, the following uses and their accessory uses are permitted outright:

(1) Gravel operations in accordance with Section 6.120.

(2) Any use which complies with applicable state laws and any supplementary provisions of that use as per this ordinance, except a use which has been declared a nuisance by statute, by action of the city council, or by a court of competent jurisdiction.

Section 6.120. Gravel Operations Supplementary Provisions. Gravel operations, in addition to other requirements of law, shall comply with the following supplementary provisions:

(1) No operation will cause adverse siltation or other pollution or filling of any stream.

Section 6.200. Dimensional Standards in an IR Zone. In an IR zone, the following dimensional standards shall apply:

(1) The dimensional standards of Section 4.200 shall apply to residential use.

(2) The dimensional standards of Section 5.200 shall apply to commercial use.

(3) Industrial uses shall have a minimum setback distance from a public street or road right-of-way, or property line of 25 feet.

(4) Setbacks by industrial uses from existing residential areas shall be 100 feet from the nearest resident property line.

(5) Industrial building height shall be a maximum of 30 feet, unless special provisions are made for fire suppression with the approval of the Sumpter Fire Department and State Fire Marshall's Office.

Section 6.400. Industrial Uses in an IR Zone. In an IR zone, the industrial uses shall comply with the following:

(1) Setback areas may be used for employee parking or storage of materials or products.

(2) Industrial uses adjacent to residential use shall be screened with a minimum 6 foot fence and/or trees and shrubs which provide a suitable visual and sound barrier.

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(3) If an industry is established in compliance with the 25 foot setback from a property line, then a later residential use will be responsible for screening itself from the industrial use..

Section 6.500. Signs Permitted in an IR Zone. Signs for industrial uses shall be for identification and directions only, and shall otherwise comply with Sections 5.500 and 5.520

Section 6.600. Off-Street Parking in an IR Zone. Off-street parking will be provided in an IR zone as follows:

(1) Each dwelling unit shall be provided with two parking spaces, except in multi-family dwellings, it shall be one and one-half spaces per dwelling unit.

(2) Commercial establishments or institutions shall provide one space per 150 square feet of floor area, or one space per four seats, or one space per guest room plus one parking space per two employees, or any combination of the above to adequately handle the anticipated useage of the establishment.

(3) Industrial establishments shall provide one parking space per employee, plus two spaces for visitors for each ten employees or fraction thereof.

(4) The placement of snow in an active public right-of-way from off-street parking areas is prohibited.

Section 6.900. Designation of Flood Areas in an IR Zone.

(1) The area in the IR zone of this city that is within a flood hazard area as now or hereafter constituted by being shown on the Flood Hazard Boundary Map, which is in effect as published by the Federal Insurance Administration shall be subject to the requirements of Section 6.990.

(2) Whenever sufficient data for a portion of a watercourse have been provided to permit the designation of a regulatory floodway, the city shall adopt boundaries for a regulatory floodway.

Section 6.920. Permit Procedure. Before submitting an application for a zoning or conditional use permit required by this ordinance, the applicant shall review the best available information on flood conditions affecting the land. The city shall keep on file in the office of the city clerk the best information known to the city. If the applicant has access to additional information and can establish it's reliability, the city may permit it's use providing the information is not in conflict with data provided by the Federal Insurance Administration. The applicant shall use the information in preparing the application and to demonstrate compliance with the requirements of this ordinance.

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Section 6.960. Facility Standards in a Flood Hazard Area.

(1) A public utility or facility associated with a subdivision or other new land development within a flood hazard area shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.

(2) A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.

(3) A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system and discharged from the system into the flood waters.

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(4) An on-site septic tank system or other individual waste disposal system shall be located to avoid impairment or contamination during flooding.

Section 6.990. Regulations Not a Guarantee. The degree of flood protection afforded by the provisions of this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods than those anticipated by these provisions may occur on occasions or the flood height may be increased by human or natural causes such as log jams or bridge openings restricted by debris. The identification of areas subject to flooding pursuant to the provisions of this ordinance does not imply that lands outside such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on the provisions of designations of this ordinance or any administrative decisions lawfully made thereunder.

ARTICLE 7. FOREST ZONE

Section 7.100. An F zone, is USDA Forest Service land within the city.

ARTICLE 8. GENERAL SUPPLEMENTARY PROVISIONS

Section 8.010. Maintenance of Minimum Ordinance Requirements. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use, unless specifically permitted by this ordinance.

4227 Section 8.030. General Provisions Regarding Accessory Uses. An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

Section 8.040. Vision Clearance Areas. No vision impairment obstructions over 4 feet in height shall be permitted on a corner lot within the triangle of land 30 feet each way from an intersection of two streets on which there are no stop signs. This regulation may be imposed on an intersection with stop signs if a hazard to the public exists.

Section 8.350. Storage or Parking of Recreation Vehicles. The storage or parking of recreation vehicles, including boats and snowmobiles, shall be prohibited on the city street rights-of-way. A recreation vehicle may be temporarily parked, unoccupied, within a city street, if (1) it is at least 15 feet from the street center line, and (2) it is for no longer than 5 days duration.

ARTICLE 9. EXCEPTIONS AND VARIANCES

Section 9.010. Non-conforming Uses. Nothing 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 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 is issued.

8 Section 9.020. General Exceptions to Lot Size Requirements. If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this ordinance, has an area or dimension which does not meet the lot

size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. The record of ownership as recorded in the office of the county clerk at the time of passage of this ordinance shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this ordinance became applicable to the land concerned.

Section 9.030. General Exceptions to Yard Requirements. If a person presents an energy conservation plan with a permit application, which may call for zero lot-line construction or less than the required yard and has written agreement from the adjacent land owner, the city may waive the yard requirement when in the best interest of the public. Common wall construction of two homes may be considered for waivers as well.

Section 9.040. General Exceptions to Building Height Limitations. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

Section 9.050. Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 24 inches into a required yard.

Section 9.500. Authorization to Grant or Deny Variances. The Planning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

Section 9.510. 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 result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had 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 same zone or vicinity possess.

(3) The variance would not be materially detrimental to the purpose of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

(4) The variance requested is the minimum variance which would alleviate the hardship.

Section 9.520. 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 with the city clerk, using forms prescribed pursuant to Section 13.041.

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(2) Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in Section 13,060, and make it's recommendation to Council.

(3) Within five days after a decision has been rendered with reference to a variance application, the city clerk shall provide the applicant with written notice of the decision of the Council.

Section 9.530. Time Limit on a Permit for a Variance. Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request.

ARTICLE 10. CONDITIONAL USES

Section 10.010. Authorization to Grant, to 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 and standards of the individual uses. 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.

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

(2) Taking into account location, size, design, and operating characteristics, the use will have minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

Section 10.015. Placing Conditions on a Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend conditions which it finds necessary to avoid detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole.

Section 10.910. Procedure for Taking Action on a Conditional Use Application. The procedure for taking action on a conditional use application shall be as follows:

(1) A property owner may initiate a request for a conditional use by filing an application with the city clerk.

(2) Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in Section 13,060, and make it's recommendation to the Council.

(3) Within five days after a decision has been rendered with reference to a conditional use application, the city clerk shall provide the applicant with written notice of the decision of the Council.

Section 10.920. Time Limit on a Permit for a Conditional Use. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial

construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request.

ARTICLE 11. RESERVED FOR PLANNED UNIT DEVELOPMENT

ARTICLE 12. AMENDMENTS

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 Section 12.010. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zone boundary may be initiated by the City Council, the City Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the city clerk.

Section 12.020. Public Hearings on Amendments. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within 40 days after the hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

Section 12.030. Record of Amendments. The city clerk shall maintain records of amendments to the text and zoning map of the ordinance.

Section 12.040. Limitation on Re-Applications. No application of a property owner for an amendment to the text of this ordinance or to a zone boundary shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

ARTICLE 13. ADMINISTRATIVE PROVISIONS

Section 13.020. Zoning Permit. Prior to the construction, reconstruction, alteration, or change of use of a structure or lot, a zoning permit application for the construction, reconstruction, alteration or change of use shall be filed with the city clerk.

Section 13.025. Zoning Permit Application Review. If the city clerk finds the application in full compliance, the city clerk may issue a zoning permit. If the application is deficient in required information and plans, the clerk will so notify the applicant. If the city clerk determines that the application will require a variance or conditional use, the city clerk will provide the applicant with the necessary forms and information. A zoning permit may only be issued when in compliance with this ordinance. The Planning Commission shall review variance or conditional use permit applications within 21 days of its filing with the city clerk.

Section 13.030. Appeals

(1) An appeal from a ruling of a city administrative officer regarding a requirement of the ordinance may be made only to the Planning Commission.

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 (2) An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within 15 days after the Planning Commission has rendered its recommendation. Written notice of the appeal shall be filed with the city clerk. If

the appeal is not filed within the 15 day period, the recommendation of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal.

Section 13.041. 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 the actual shape and dimensions of the lot to be built upon; the size and locations on the lot of existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this ordinance.

Section 13.050. Filing Fees. Applications required by this ordinance shall be accompanied by a filing fee of the amount established by the City Council. Such fees shall not be refundable.

Section 13.060. Public Hearings.

(1) Each notice of public hearing authorized by this ordinance shall be posted on bulletin boards located at the city hall, post office and general store in the city at least 10 days prior to the date of hearing.

(2) In addition, a notice of hearing on a conditional use, a variance or an amendment to a zone boundary shall be mailed to owners of property within 250 feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least 10 days prior to the date of the hearing. If a proposed zone boundary amendment has been initiated by the Planning Commission or City Council and is declared by the City Council to be a major reclassification, the mailing of individual notice is not required, but such additional means of informing the public as may be specified by the Council shall be observed.

(3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(4) The Planning Commission and 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.

Section 13.070. Authorization of Similar Uses. The Planning Commission may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

ARTICLE 14. GENERAL INFORMATION

Section 14.010. Interpretation. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the city, the provisions or requirements which are more restrictive shall govern.

Section 14.020. Severability. The provisions of this Ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

Section 14.030. Abatement and Penalty. In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the city may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

Section 14.040. Repeal. Ordinance No. 1972-5, enacted on September 7, 1972, is hereby repealed.

Section 14.050. Saving Clause. The above repeal shall not affect or prevent application of remedies or punishment of a person for an act done or committed prior to the taking affect of this ordinance and in violation of an ordinance hereby repealed.

ARTICLE 15. HISTORIC OVERLAY ZONE

The Historic Overlay (HO) zone is established to encourage the protection of historic resources throughout the city. Special provisions for the Commercial-Residential zone are outlined in Article 5. The Historic Overlay zone coincides with Sumpter's city limits.

Section 15.010. The following sections are applicable to the HO zone: 5.202 (Sumpter Historical Aesthetic Committee), 5.022 (Duties of Committee), 5.024 (Guidelines for the Historical Aesthetic District), Section 5.026 (Demolition of Historic Buildings), and Section 5.028 (Historical Record of Demolished Historical Buildings, Artifacts).

This Ordinance approved by the City Council and Mayor on March 3, 1983; Amended Article 15 as shown above, approved by the City Council and Mayor January 27, 1984.

The City Council of the City of Sumpter, in order to preserve the peace, health, safety, and to benefit the City of Sumpter, hereby declares this Ordinance of an emergency nature, therefore, this Ordinance shall be in full force and effect upon it's passage and adoption.

PASSED AND ADOPTED this 21st day of June, 1984.

Elaine Lampro
Elaine Lampro, Mayor

Attest: Donis N. Madden
City Recorder

ORDINANCE NO. 1992-1

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF MARCH 3, 1984, ORDINANCE NO. 1984-3.

The City of Sumpter, Baker County, Oregon, ordains the following:

SECTION 1. Section 6.040 of Ordinance No. 1984-3 is amended to read:

SECTION 6.040 SPECIAL IR ZONE BOUNDRY. the west boundary of the IR zone, other than the City Limits, will be the dredge tailing limits, which is an undefined line, but is very visible on the ground. With the inclusion of the following: all that land in the SE ¼ of Section 32 lying South of Sawmill Gulch Road, (County Road No. 523), and West of the dredge tailings line.

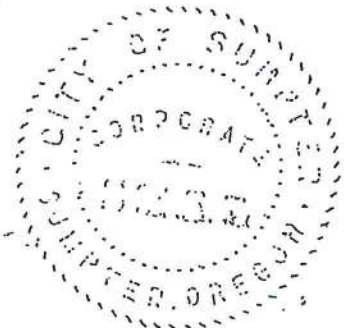
SECTION 2. EMERGENCY CLAUSE In order to maintain public peace, health and safety, the City hereby declares an emergency to exist and this ordinance is effective upon its passage by the City Council.

Read in Full for the First time, this the 12 day of February 1992.

Read in Title Only, with the consent of council, this the 12 day of March, 1992.

PASSED, this the 12 day of March, 1992

APPROVED by the Mayor this the 12 day of March, 1992.



Mayor William D. Simonson
William D. Simonson

Leland L. Myer
Councilmember Leland L. Myer

Jack Christensen
Jack Christensen

Attest: Kathi Vinson
Kathi Vinson,
City Recorder

ORDINANCE NO. 1994 -3

AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 1984-3, SIGNED AND ADOPTED MARCH 3, 1984.

The City of Sumpter, Baker County, Oregon, ordains the following:

SECTION 1. In accordance with Section 2.020 of Ordinance No. 1984-3, any zoning boundary modifications shall be in accordance with zoning map amendments which shall be adopted by reference.

Residential Zone is hereby to be amended to include the portion of land represented by the attached exhibit A, currently listed as Residential Limited.

SECTION 2. In accordance with Section 2.050. (2) of Ordinance No. 1974-2, approval of the zoning map amendment will indicate approval of the plat map if developer complies with the requirements of the ordinance.

Read in Full for the First time, this the 14 day of April 1994.

Read in Title only, with the consent of the council; this the 28 day of April, 1994.

PASSED, this the 19 day of May, 1994

APPROVED by the Mayor this the _____ day of _____, 1994.

Mayor

Leland L. Myets
~~Edward L. Marshall~~ Leland L. Myets
President of Council

ATTEST:

Kathi Vinson
Kathi Vinson, City Recorder

ORDINANCE NO. 1994-4

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF MARCH 3, 1984, ORDINANCE NO. 1984-3.

The City of Sumpter, Baker County, Oregon, ordains the following:

SECTION 1. Section 5.200 of Ordinance No. 1984-3 is amended to read:

SECTION 5.200 Dimensional standards in CR zone. In a CR zone, the following dimensional standards shall apply.

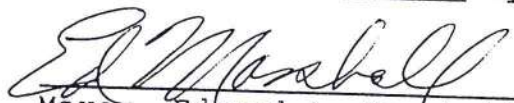
- (1) The lot area shall be a minimum of 2,500. square feet.
- (2) The lot width at the front of the building line shall be a minimum of 25 feet.
- (3) The maximum lot coverage by building and the side and rear yards shall be regulated by the necessary open space requirements so this ordinance, such as for off-street parking, sewer interceptor tanks, and snow accumulations.
- (4) The front yard shall be a minimum of 15 feet for residential and zero for commercial.
- (5) Building height shall be a maximum of 30 feet.

Read in (Full) (by Title Only with council consent) for the first time, this the 11 day of August, 1994.

Read in ~~Full~~ Title Only, with council consent, for the second time, this the 8 day of September, 1994.

PASSED and ADOPTED, this the 8 day of September, 1994.

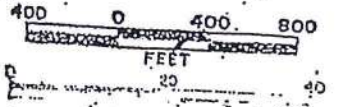
Signed and dated by the Mayor this the, 8 day of September 1994.



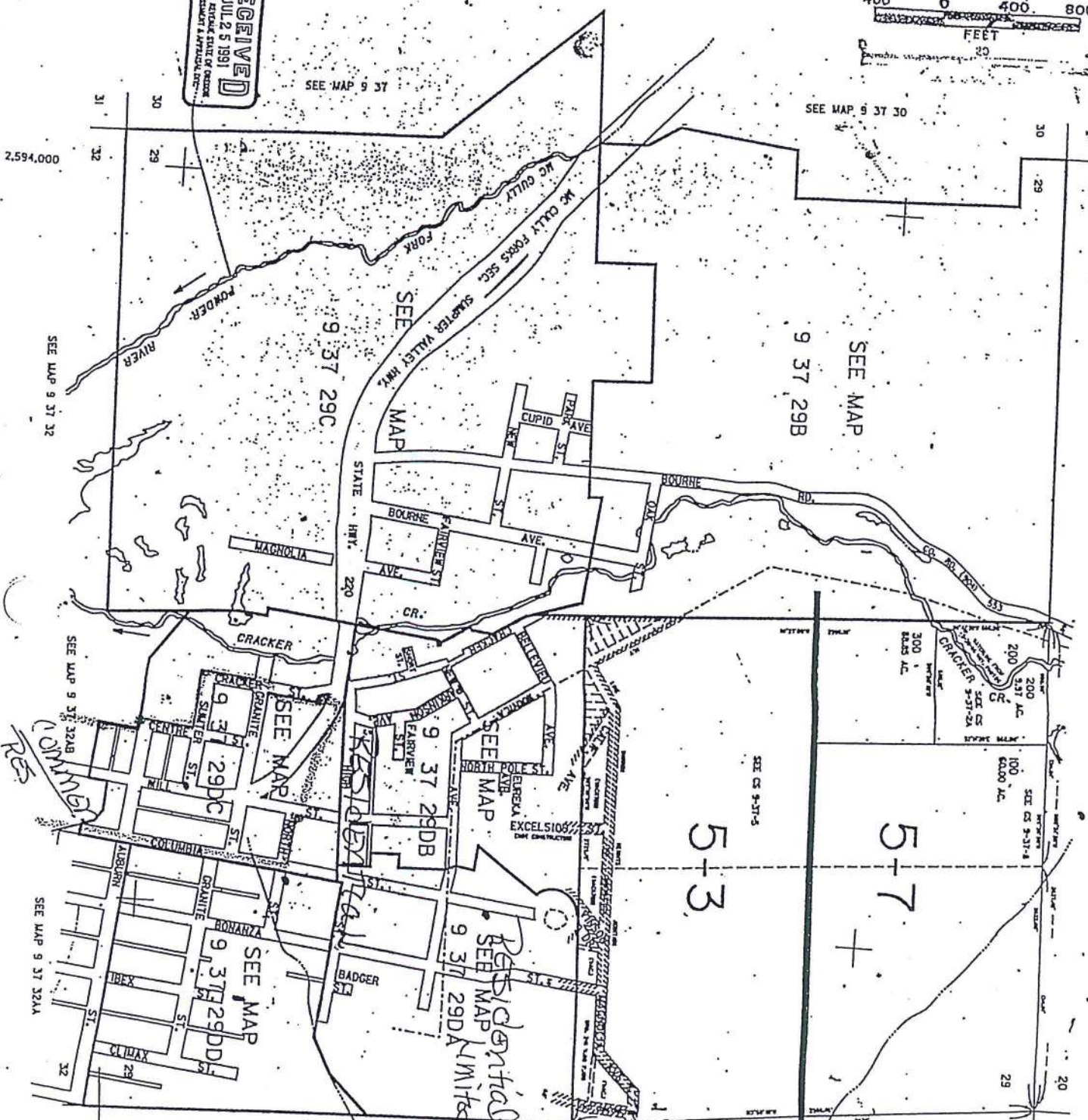
Mayor, Edward L. Marshall

ATTEST: Kathi Vinson
Kathi Vinson, City Recorder

SCALE 1:9600



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JUL 25 1991
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STATE OF MISSOURI
ASSESSMENT & APPEALS DIV.



BAKER
1" = 400'
SEE MAP 9 37 20

5-3

5-7

EXISTING
ZONING
North half
SUMPTER

9 37 29

QUINLAN
SUMPTER

402,000
9 37 29
& INDEX
SUN
IR

2,594,000

SEE MAP 9 37 28

SEE MAP 9 37 30

SEE MAP 9 37

SEE MAP 9 37 32

SEE MAP 9 37 32A

SEE MAP 9 37 32A

9 37 29C

9 37 29B

9 37 29DC

9 37 29DB

9 37 29DA

RESIDENTIAL
SEE MAP NUMBER