

**Chapter 17.171
P (PUBLIC) ZONE**

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17.171.010 Purpose.

The purpose and intent of the P (public) zone is to provide regulations governing the development of lands appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the P zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. It is not intended that a property zoned public for one type of use be allowed to change without demonstrating that the proposed conditional use will be compatible with adjacent uses and the property is better suited to the proposed use than alternative locations. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 579 § 5, 1980. RZ Ord. § 171.010.]

17.171.020 Uses.

Within any P (public) zone, no building, structure or premises shall be used, arranged, or designed to be used, erected, structurally altered or enlarged except for the following purposes:

- A. Farm use, but not including a medical marijuana processor (see MCC 17.110.376), medical marijuana producer (see MCC 17.110.378), or a medical marijuana dispensary (see MCC 17.110.374);
- B. Forest use;
- C. Dwellings (including mobile homes) and other structures customarily provided in conjunction with farm or forest use subject to the criteria in MCC 17.139.030;
- D. Utility facilities necessary for public service except public power generation;
- E. Wireless communications facilities, including attached, subject to the following development standards:

1. Notwithstanding other height limitations in this title omni-directional (whip) antennas not exceeding 20 feet in height and directional/parabolic antennas not exceeding seven feet in diameter or width and 15 feet in height may be attached to or located on existing structures;
2. Antennas and associated equipment shall be surfaced in a nonreflective color to match the structure on which they are located. An equipment enclosure may be set back from the edge of a roof by a distance at least equal to its height in lieu of screening;
3. Equipment enclosures shall be located within the building on which they are located wherever possible; otherwise, equipment enclosures shall be fenced by a six-foot-high fence, wall or hedge;
4. Antennas shall not be illuminated except as required by the Oregon State Aeronautics Division or the Federal Aviation Administration;
5. A wireless communications facility, attached, and equipment enclosure shall be removed by the facility owner or property owner within six months of the date it ceases to be operational;
6. Notwithstanding other height limitations in this code all lattice, monopole, guyed or other freestanding support structures shall be limited to a total height, including antennas, of 150 feet above natural grade;

F. *Repealed by Ord. 1397;*

G. Fire and emergency services stations and police substations; training facilities, administrative offices and living quarters for fire, emergency, and police services are permitted in conjunction with these uses, not to exceed 20 full-time persons and 200 day-use visitors. [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 579 § 5, 1980. RZ Ord. § 171.020.]

17.171.030 Conditional uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in a P zone:

- A. Airport and airport-related commercial and industrial uses;
- B. Public ball park, exposition, fairground, museum, stock show and related commercial uses subject to MCC 17.171.040;
- C. Cemeteries, crematoriums and mausoleums;
- D. Dwelling for the caretaker or watchman; housing for the staff required for an approved conditional use;
- E. Golf courses, public parks and playgrounds, recreational resorts and retreats, related camping and related commercial uses subject to MCC 17.171.040;

- F. Religious organizations and related conference and residence facilities;
- G. Schools, elementary and secondary (as defined in Chapter 17.110 MCC);
- H. Military training facilities and armory;
- I. Public instructions for detention or correction;
- J. Residential facilities, institutions and schools for the handicapped or mentally retarded;
- K. Public service buildings, structures and uses (e.g., field offices, outdoor storage of equipment, reservoir, water tower, pump station, sewage treatment plant, solid waste disposal site, power generation), except fire, police and emergency service stations;
- L. Fire and emergency services stations and police substations; training facilities, administrative offices and living quarters for fire, emergency, and police services exceeding 20 full-time persons and 200 day-use visitors;
- M. In the community of Brooks-Hopmere, educational institutions as defined in MCC 17.110.210 and including those in SIC 822. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 974 § 4, 1994; Ord. 925 § 6, 1992; Ord. 579 § 5, 1980. RZ Ord. § 171.030.]

17.171.040 Scale of commercial uses.

- A. New commercial uses in conjunction with public uses may be established up to a maximum of 3,500 square feet of floor area.
- B. Lawfully established commercial uses existing as of the date of adoption of the ordinance codified in this title may be expanded up to 3,500 square feet of floor area, or an additional 25 percent of the floor area that existed as of the date of adoption of the ordinance codified in this title, whichever is greater.
- C. Airport-related uses located at the Aurora Airport are not subject to the size limitations in subsections (A) and (B) of this section.
- D. Except as established in subsection (B) of this section, for a commercial use to exceed the square foot limitations requires taking an exception to Goal 14. Such exception shall be processed as an amendment to the Marion County Comprehensive Plan. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.040.]

17.171.050 Prohibited and lawfully established existing uses.

- A. The following uses are prohibited:
 - 1. Uses of structures and land not specifically permitted in the public zone.
 - 2. New residential dwellings, except when accessory to a primary use. However, a dwelling that legally existed at the time of adoption of the ordinance codified in this title shall not be a nonconforming use, and may be remodeled, expanded, or replaced.

B. Lawfully established commercial and industrial uses that existed prior to zoning or established through the applicable land use process on or before the date of the ordinance codified in this title, not otherwise listed in the zone, are allowed outright and shall not be classified as nonconforming uses.

C. All other lawfully established, existing uses and structures not specifically permitted in the public zone shall be considered nonconforming uses subject to the provisions of Chapter 17.114 MCC. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.050.]

17.171.060 Property development standards.

A. Height. No building or structure in a P zone shall exceed six stories or 70 feet; provided, that buildings or structures shall be set back from every street and lot line one foot for each foot of height of the building in excess of 35 feet in addition to all other yard and setback requirements herein specified.

B. Front Yard. Front yard shall be a minimum of 20 feet. No parking shall be permitted within the minimum front yard area.

C. Side Yards. Where the side of a lot in a P zone abuts upon the side of a lot in any R zone, there shall be a minimum side yard of 10 feet. Otherwise there shall be no minimum side yard setback. Where the side of a lot abuts upon a street there shall be a minimum side yard of 20 feet wherein no parking shall be permitted.

D. Rear Yard. In a P zone there shall be a rear yard that shall have a minimum depth of 30 feet.

E. Lot Area and Coverage. The minimum requirements in P zones for dwellings shall be one acre except 6,000 square feet inside an unincorporated community boundary where public sewer and water service is provided. No main building, including dwellings, shall occupy more than 30 percent of the lot area.

F. Open Storage.

1. All yard areas, exclusive of those required to be landscaped as provided in subsection (G) of this section, may be used for materials and equipment storage areas related to a use permitted in the P zone, provided such area is screened so it cannot be seen from public roads, or from dwellings on property in other zones.

2. The surface of open storage areas, including automobile and truck parking areas shall be paved or graveled and maintained at all times in a dust-free condition.

G. Landscaping. The area within 20 feet of a street shall be landscaped. As a condition of approval for a conditional use, additional landscaping may be required if necessary to make the use compatible with the area.

H. Performance Standards. No land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality.

I. Sewage Disposal. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.

J. Traffic Analysis. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County department of public works, may be required prior to building permit approval. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.060.]

Chapter 17.177 AIRPORT OVERLAY ZONE

Sections:

- 17.177.010** Purpose.
- 17.177.020** Definitions.
- 17.177.030** Airport districts.
- 17.177.040** Procedure.
- 17.177.050** Nonconforming uses.
- 17.177.060** Marking and lighting.
- 17.177.070** Variances.

17.177.010 Purpose.

The airport overlay zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at public airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern. This section is intended to comply with Federal Aviation Agency Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation. [Ord. 602 § 5, 1981. RZ Ord. § 177.010.]

17.177.020 Definitions.

A. "Airport" means a public airport as defined in MCC 17.110.040.

B. "Airport elevation" means the highest point of an airport's usable landing area measured in feet from mean sea level. This elevation above mean sea level shall be shown on the official zoning map.

C. "Airport surfaces" means the specific dimensions, slopes and elevations of the airport surfaces shall be delineated on the official zoning map.

1. "Primary surface" means the surface of the runway and adjacent land on each side of the runway centerline and 200 feet beyond the ends of the runway. The length of this surface is determined by using the existing runway length or the runway length identified in an adopted state airport master plan, if longer. The width is the same as the end of the approach surface that is closest to the runway.

2. Approach Surface. This surface begins at the end of the primary surface. From its initial width, that is the same as the width of the primary surface, it extends upward and outward on both sides of the projected centerline of the runway with a specified slope and terminates where it intersects the horizontal surface.

3. "Horizontal surface" is a horizontal plane which surrounds the airport 150 feet above the airport elevation. The interior portion of this surface terminates where it intersects with the transitional and approach surfaces. Its outer edge terminates where it intersects with the conical surface.

4. "Transitional surface" means an imaginary plane that extends upward and outward from the sides of the primary surface and approach surface to the horizontal surface.

5. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

D. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

E. "Height" is the highest point of any structure as further defined in MCC 17.110.260. The official zone map identifies the maximum height permitted for any obstruction calculated from the airport elevation as defined in subsection (B) of this section and from mean sea level.

F. "Obstruction" is any structure, tree or other object, including a mobile object, which extends above airport surfaces as defined in subsection (C) of this section.

G. "Runway" is a defined area on the airport prepared for landing and takeoff of aircraft along its length.

H. "Tree" means any natural vegetation. [Ord. 602 § 5, 1981. RZ Ord. § 177.020.]

17.177.030 Airport districts.

In order to carry out the provisions of this airport overlay zone, three airport development districts are provided within the airport overlay zone. These three districts are shown on the official zoning map showing the height limits adopted at the time the airport overlay zone is applied.

A. Airport Development District. This district consists of those lands, waters and airspace area at or below the primary, transitional and approach surfaces described in MCC 17.177.020(C).

1. Use Limitations. Any use, accessory use, buildings and structures otherwise allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

a. No obstruction or object shall be permitted if it extends above the transitional and approach surfaces as defined in MCC 17.177.020(C).

b. Roadways, parking areas and storage yards shall be located in such a manner that vehicle lights will not result in glare in the eyes of the pilots, or in any other way impair visibility in the vicinity of the runway approach.

c. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

d. No game preserve or game reservation shall be permitted if the animals or birds have the potential to become a hazard to air navigation.

e. No structure or use intended for public assembly shall be allowed except by a conditional use permit.

B. Horizontal Surface District. This district consists of the land, water and airspace underneath the horizontal surface as described in MCC 17.177.020(C).

1. Use Limitations. Any use, accessory use, building and structure allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

a. No obstruction shall penetrate the horizontal surface as defined in MCC 17.177.020(C).

b. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

C. Conical Surface District. This district consists of the land, water and airspace underneath the conical surface as described in MCC 17.177.020(C).

1. Use Limitations. Any use and accessory uses, buildings and structures allowed in the underlying zone shall be permitted; provided, that no obstruction penetrates the conical surface as defined in MCC 17.177.020(C). [Ord. 602 § 5, 1981. RZ Ord. § 177.030.]

17.177.040 Procedure.

A. An applicant seeking a building permit involving any use or structure regulated by the airport overlay zone shall provide the following information in addition to any other information required in the permit application:

1. Property boundary lines as they relate to the airport approach and the end of the runway;

2. Location and height of all existing and proposed buildings, structures, utility lines and roads.

B. Proposed buildings or structures shall be approved by the building inspector if it is determined that they will not extend above the airport surfaces as defined in MCC 17.177.020(C).

C. An applicant seeking rezoning, a conditional use permit or a variance involving any use, building or structure regulated by the underlying zone or the airport overlay zone shall be reviewed in accordance with the applicable procedure in this title. During this review process, the State Aeronautics Division shall be notified of the proposal and any public hearing, be given an opportunity to comment and be notified of the decision. [Ord. 602 § 5, 1981. RZ Ord. § 177.040.]

17.177.050 Nonconforming uses.

The regulations prescribed by the airport overlay zone shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the

regulations as of the effective date of the ordinance codified in this title, or otherwise interfere with the continuance of the nonconforming use except as provided in MCC 17.110.405. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, otherwise permitted, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this title. [Ord. 602 § 5, 1981. RZ Ord. § 177.050.]

17.177.060 Marking and lighting.

The owner of any existing nonconforming structure or tree shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon Department of Transportation to indicate to the operators of aircraft the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner. [Ord. 602 § 5, 1981. RZ Ord. § 177.060.]

17.177.070 Variances.

The provisions of this overlay zone may be varied subject to the procedures and criteria for considering variances set forth in Chapter 17.122 MCC. Variances may be allowed where it is found that the proposal will not create a hazard to air navigation, and will be in accordance with the spirit and intent of this overlay zone. [Ord. 602 § 5, 1981. RZ Ord. § 177.070.]