

**CHAPTER 15.02  
BASIC PROVISIONS AND LAND USE ZONES**

**Section:**

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**15.02.010 - Compliance with Ordinance Provisions Required.** Property may be used, and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used, only as allowed by this ordinance. If a zone does not list a particular proposed use, the use is not allowed unless it is authorized through a similar use determination as provided in Chapter 15.04 *Permits: Nonconforming Uses, Variances, Similar Uses, Formal Code Interpretations, Modification of a Prior Approval.*

**15.02.020 - Establishment Land Use Zones.** This ordinance hereby establishes the following land use zones for the city.

**TABLE 15.02-A  
Definitions of Land Use Zones**

<b>Zone</b>	<b>Abbreviated Designation</b>
Residential 5,000 square foot minimum lot size	R-5
Residential 10,000 square foot minimum lot size	R-10
Open Space	OS
Commercial	C
Industrial	I
Public Lands and Facilities	P

**15.02.030 – Official Zoning Map Adopted.** The Mosier Zoning Map is attached to this ordinance as Appendix I and is incorporated herein and adopted by this reference. The official boundaries of the zones described in this ordinance are indicated on the Mosier Zoning Map. Zoning Map amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the city recorder.

**15.02.040 – Zoning Boundaries.** Unless otherwise specified, zone boundaries are center lines of streets, lot lines, city limit lines, or the rim of Mosier Creek Canyon. Where a street does not serve as a zone boundary, the public right-of-way shall have the same zoning designation as the adjacent or surrounding property. All private driveways are subject to city zoning regulations.

**15.02.050 - Residential Zone (R-5)**

A. Permitted Uses

1. Single family dwellings and accessory structures
2. Group Residential

B. Conditional Uses

1. Accessory dwelling unit
2. Bed and breakfast facilities
3. Churches
4. Civic or fraternal organization
5. Duplexes, triplexes, fourplexes, and sixplexes
6. Family day care
7. Home occupations
8. Manufactured home parks
9. Planned Unit Development
10. Public parks, playgrounds, and related facilities
11. Residential Care Facilities
12. Schools and child care centers
13. Townhouses or Condominiums
14. Public facilities & private utilities
15. Access for non-residential uses on adjacent parcels

C. Minimum Lot Size and Maximum Lot Coverage. Maximum lot coverage is subject to Chapter 15.03 *Supplemental Provisions*. The following minimum lot sizes shall control:

Single family dwelling	5,000 square feet
Duplex	10,000 square feet
Triplex	12,000 square feet
Fourplex	14,000 square feet

Conditional approval of either residential townhouse or condominium units shall be limited to the maximum density allowed for multifamily units in the base zone and shall be subject to site plan review.

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. *Front Yard Setback:* A minimum front yard setback of 10 feet is required, except that an unenclosed porch may be within 8 feet of the front property line, as long

as it does not encroach into a public utility easement. Garages and carports shall be recessed behind the front building line at least 4 feet. Garage and carport entrances may be built flush with the front building line only when the building is set back at least 20 feet from the street accessed by the driveway so that a vehicle can be parked in front of the garage and not encroach into the setbacks or sidewalk area. Where garages do not face the frontage street, the garage need not be flush with the house but may protrude toward the frontage street so long as a minimum front yard setback of 10 feet is maintained.

2. *Rear Yard Setback:* A minimum rear yard setback of 5 feet is required.
3. *Side Yard Setback:* The minimum side yard setback shall be 5 feet, except for corner lots where the side yard setback facing the street shall be 10 feet.
4. *Setback Exceptions:* Projections may encroach no more than 3 inches for each foot of required yard width. Condominium and townhouse developments may be allowed to modify side yard setbacks to allow shared wall construction if compliance with all other standards including maximum density, conditional use permit criteria and site plan review standards is achieved.

E. Maximum Building Height. Buildings, structures, or portions thereof, located 10 feet or more from the property line, shall not exceed 35 feet in height. Buildings, structures, or portions thereof, located less than 10 feet from the property line, shall not exceed 28 feet in height.

F. Parking Regulations

1. Each dwelling unit shall be provided with at least 2 parking spaces on the building site.
2. Parking spaces taking access from a public dedicated alley may be located within the setback area.

G. Signs. All signs are subject to the Sign Code regulations in Chapter 8.20 of MMC.

H. Lighting. All exterior lighting is subject to the lighting regulations in Chapter 8.30 of MMC.

I. Sanitation Regulations. No structure may be occupied without it first being connected to the city sewer and water systems at the property owner's expense.

**15.02.060 - Residential Zone (R-10)**

A. Uses Permitted Outright

1. Single family dwellings and accessory structures
2. Group Residential

B. Conditional Uses

1. Accessory dwelling unit
2. Bed and breakfast facilities
3. Churches
4. Civic or fraternal organization
5. Duplexes, triplexes, fourplexes, and sixplexes.
6. Family day care
7. Home occupations
8. Manufactured home parks
9. Planned Unit Development
10. Public parks, playgrounds, and related facilities
11. Residential Care Facilities
12. Schools and child care centers
13. Townhouses & Condominiums
14. Public facilities & private utilities
15. Access for non-residential uses on adjacent parcels

C. Minimum Lot Size and Maximum Lot Coverage. Maximum lot coverage subject to Chapter 15.03 *Supplemental Provisions*. The following minimum lot sizes shall control:

Single family dwelling	10,000 square feet
Duplex	15,000 square feet
Triplex	20,000 square feet

Conditional approval of either residential townhouse or condominium units shall be limited to the maximum density allowed for multifamily units in the base zone and shall be subject to site plan review.

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. *Front Yard Setback:* A minimum front yard setback of 10 feet is required, except that an unenclosed porch may be within 8 feet of the front property line, as long as it does not encroach into a public utility easement. Garages and carports shall be recessed behind the front building line at least 4 feet. Garage and carport entrances may be built flush with the front building line only when the building is set back at least 20 feet from the street accessed by the driveway so that a vehicle can be parked in front of the garage and not encroach into the setbacks or sidewalk area. Where garages do not face the frontage street, the garage need not be flush with the house but may protrude toward the frontage street so long as a minimum front yard setback of 10 feet is maintained.
2. *Rear Yard Setback:* A minimum rear yard setback of 10 feet is required.
3. *Side Yard Setbacks:* The minimum side yard setback shall be 5 feet, except for corner lots where the side yard setback facing the street shall be 10 feet.

4. Setback Exceptions: Projections may not encroach more than 3 inches for each foot of required yard width. . Condominium and townhouse developments may be allowed to modify side yard setbacks, to allow shared wall construction, if compliance with all other standard including: maximum density, conditional use permit criteria and site plan review standards is achieved.

E. Maximum Building Height. Buildings, structures, or portions thereof, located 10 feet or more from the property line, shall not exceed 35 feet in height. Buildings, structures, or portions thereof, located less than 10 feet from the property line, shall not exceed 28 feet in height.

F. Parking Regulations.

1. Each dwelling unit shall be provided with at least 2 parking spaces on the building site.
2. Parking spaces taking access from a public dedicated alley may be located within the setback area.

G. Signs. All signs are subject to the Sign Code regulations in Chapter 8.20 of MMC.

H. Lighting. All exterior lighting is subject to the lighting regulations in Chapter 8.30 of MMC.

I. Sanitation Regulations. No structure may be occupied without it first being connected to the city sewer and water systems at the property owner's expense.

#### **15.02.070 – Commercial Zone (C)**

A. Uses Permitted Outright: None

B. Conditional Uses

1. Business, governmental, or professional offices
2. Change of use
3. Financial institutions, such as a bank
4. Group Residential
5. Parking lots of 4 or more spaces, new or expanded, and/or the equivalent of paving equal to 4 or more parking spaces; shared parking lots may include up to the maximum combined number of spaces specified in Section 15.03.130 *General Requirements for Parking Lots* of this ordinance.
6. Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning establishment, and electrical repair shops
7. Residential Facility
8. Retail business in which the operation takes place solely within an enclosed building
9. Agricultural support services including produce storage facilities
10. Churches

11. Commercial amusement
12. Family oriented craft industries
13. Hospitals, sanitariums, rest homes, nursing or convalescent homes
14. Light industrial uses
15. Lodge for civic or fraternal organization
16. Planned unit developments
17. Public facilities and uses
18. Public parks, playgrounds and related facilities
19. Commercial uses such as motels, gasoline service station or restaurant
20. Residential use in a building where there is an established commercial use and residential use is accessory to and compatible with the commercial use.
21. Schools and day care facilities
22. Rooming and boarding houses
23. Public facilities
24. Drive through facilities where the building is smaller than 200 sq. ft.

C. Prohibited Uses

1. Drive through facilities where the building is 200 sq.ft. or larger
2. Commercial uses with a footprint larger than 25,000 sq.ft.
3. Outside storage
4. Recreational vehicle park
5. Formula take-out restaurant, such as a fast food operation.
6. Aggregate resource extraction and processing and accessory uses, including hauling, crushing and batching

D. Site Development Requirements

1. *Minimum Lot Size:* None
2. *Minimum Street Frontage:* 25 feet on a dedicated public street.
3. *Maximum Lot Coverage:* Maximum lot coverage subject to Chapter 15.03 *Supplemental Provisions.*
4. *Minimum Yard Setbacks:*
  - a. *Front* - none required
  - b. *Side and rear* - Not required except in the case where the structure is adjacent to a residential zone, in which case a 10 foot setback is required for all structures.
5. *Maximum Yard Setbacks:*
  - a. *Front* – 10 feet. This standard may be increased when a sidewalk, bicycle path, multi-use path and/or planting strip is provided between the building and front property line.
  - b. *Side and rear* - Not required.

6. *Maximum Building Height:*
  - a. For buildings south of Hwy 30, 28 feet
  - b. For buildings north of Hwy 30, 1 story or 18 feet as measured from top of the pavement of Hwy 30.

7. *Parking Regulations:* Parking is required and shall comply with the applicable parking regulations in Section 15.03.130 *General Requirements for Parking Lots* of this ordinance.

E. Signs. All signs shall comply with the sign regulations in Chapter 8.20 of MMC.

F. Lighting. All exterior lighting is subject to the lighting regulations in Chapter 8.30 of MMC.

G. Landscaping. Landscaping is required and shall comply with the landscaping standards of Chapter 15.09.

H. Sanitation Regulations. No structure may be occupied or otherwise used in the Commercial Zone unless it is first connected to the city sewer and water systems at the expense of the property owner.

#### **15.02.080 - Industrial Zone (I)**

A. Uses Permitted Outright: None.

B. Conditional Uses: Light industrial uses which take place inside an enclosed building and accessory uses including transportation, loading, unloading and temporary staging.

C. Prohibited Uses: Aggregate resource extraction and processing and accessory uses, including crushing, hauling and batching.

#### D. Site Development Requirements

1. *Minimum Lot Size:* None
2. *Minimum Street Frontage:* None
3. *Minimum Yard Setbacks:* None
4. *Maximum Building Height:* 35 feet
5. *Parking Regulations:* Parking is required and shall comply with the applicable parking regulations in Section 15.03.130 *General Requirements for Parking Lots* of this ordinance.

E. Signs: All signs shall be in conformance with the sign regulations in Chapter 8.20 of MMC.

F. Lighting: All exterior lighting is subject to the lighting regulations in Chapter 8.30 of MMC.

G. Landscaping: All landscaping shall be in conformance with the landscape standards of Chapter 15.09.

H. Sanitation Regulations: No structure may be occupied or otherwise used in the Industrial Zone unless it is first connected to the city sewer and water systems at the expense of the property owner.

### **15.02.090 - Open Space (OS)**

A. Uses Permitted Outright: None

B. Conditional Uses - Public or Non-Profit Only:

1. Parks
2. Recreation areas
3. Community center, including housing for senior citizens
4. Public utilities, public facilities and public uses

### **15.02.100 –Public Lands and Facilities (P)**

A. Purpose of Public Lands and Facilities zone. The public land and facilities zone includes lands in public and semi public ownership or use as designated on Mosier’s official zoning map and is intended to accommodate public and semipublic uses that provide government services, education, and other public services in order to meet public need and demands in a planned and coordinated manner.

Public services and activities conducted by public agencies intended to be accommodated in the Public Lands zone include: recreation, administration, education, and the physical provision of public services such as water and sewer. Semipublic services include public/private partnerships that conduct the activities authorized in this section.

The following uses operated by the public or semi public agency that owns the development site, or operated by an entity other than the public agency upon a finding that the property is not currently needed for a public purpose (per the process described in subsection 15.02.100-H.3. *Determination of need* of this ordinance) may be permitted conditionally subject to special conditional use criteria applicable in the Public Lands zone or subject to conditional use criteria listed in MZO Chapter 15.05 and the special conditional use criteria applicable in the Public Lands zone.

B. Uses permitted conditionally subject to special conditional use criteria applicable in the Public Lands zone (*see subsection 15.02.100-H, below*):

1. Parks, Athletic Fields and Playgrounds
2. Trails and Recreation areas
3. Public and Community Gardens, excepting livestock of any kind



C. Conditional uses subject to special conditional use criteria applicable in the Public Lands zone (*see subsection 15.02.100-H, below*) and conditional use criteria listed in Chapter 15.05 of this ordinance:

1. Public utilities, public facilities and public uses
2. Community center, including public housing and housing for senior citizens
3. Family day care
4. Schools and child care centers
5. Civic or fraternal organization
6. Schools, Academies, or Studios (including: Ballet, Yoga, Martial Arts, Gymnastics, and Art)
7. Administrative, General and Professional Offices
8. Churches
9. Horticultural Uses, including plant nurseries
10. Information Technology Services
11. Scientific and Educational Research Centers

D. Prohibited Uses

1. Heavy Industrial uses
2. Aggregate resource extraction and processing and accessory uses, including hauling and asphaltic or concrete batching.

E. Site Development Requirements

1. *Minimum Lot Size:* None
2. *Minimum Street Frontage:* 25 feet on a dedicated public street.
3. *Minimum Yard Setbacks:*
  - a. Front - Not required except in the case where the structure is adjacent to a residential zone, in which case a 10-foot setback is required for all structures.
  - b. Side and rear - Not required except in the case where the structure is adjacent to a residential zone, in which case a 10 foot setback is required for all structures.
4. *Maximum Building Height:* 35 feet.
5. *Parking Regulations:* Parking is required and shall comply with the applicable parking regulations in Section 15.03.130 *General Requirements for Parking Lots.*

F. Signs: All signs shall comply with the sign regulations in Chapter 8.20 of MMC.

G. Lighting: All exterior lighting shall comply with the lighting regulations in Chapter 8.30 of MMC.

H. Landscaping: Landscaping is required and shall comply with the landscaping standards of Chapter 15.09

I. Sanitation Regulations: No structure may be occupied or otherwise used in the Public Lands zone unless it is first connected to the city sewer and water systems at the expense of the property owner.

J. Special Conditional Use Criteria Applicable in the Public Lands zone:

1. *Ownership*. The subject site must be land owned solely by a public or quasi-public agency, or non-profit organization established primarily to provide public and quasi-public uses allowed outright or conditionally in this section. Prior to sale to private owner(s), an applicant must apply for and obtain a new zoning designation for the public land.
2. *Proximity to Residential Land*. When a proposed public use, access to a public use, or other use accessory to a public use is to be located within 500 feet of land in any residential zone compatibility with the surrounding zone shall be considered prior to approving the use. The City maintains authority to impose conditions necessary to ensure compatibility with uses permitted in surrounding residential zones and to deny uses that pose adverse impacts that cannot be mitigated to an acceptable level by conditions.
3. *Determination of Need*. The process used by the public agency that owns the property to determine whether a particular use shall be permitted on public property that is found to not be currently needed shall assure that neighborhood residents and property owners in the area have the opportunity to review and comment on the new proposed use.
4. *Playgrounds and Recreational Improvements*. School playgrounds or other physical improvements providing opportunities for public recreation shall be retained for use as public parks and recreation sites whenever possible.