

**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.

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;
- 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 communication facilities attached subject to the following development standards:
 - 1. Notwithstanding other height limitations in this title omni-directional (whip) antennae not exceeding 20 feet in height and directional/parabolic antennae not exceeding seven feet in diameter or width and 15 feet in height may be attached to or located on existing structures.
 - 2. Antenna and associated equipment shall be surfaced in a nonreflective color to match the structure on which it is 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 it is located wherever possible, otherwise, equipment enclosures shall be fenced by a six-foot high fence, wall or hedge.
 - 4. Antennae shall not be illuminated except as required by the Oregon State Aeronautics Division or the Federal Aviation Administration.
 - 5. A wireless communication 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.

- F. Wireless communications facilities (see limited use, MCC 17.125.120).
- 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.

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.

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 this ordinance, 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

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 remodel, 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 ordinance codified in this title, not otherwise listed in the zone, are allowed outright and shall not be classified as non-conforming 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.

17.171.060 PROPERTY DEVELOPMENT STANDARDS:

- A. Height. No building or structure in a P zone shall exceed 6 stories or 70 feet, provided that buildings or structures shall 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 area 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.