

CHAPTER 170

PUBLIC ZONES

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170.005. TRANSPORTATION IMPROVEMENTS. Transportation Improvements are permitted within any Public Zone [Amended by Ordinance 01-01]

170.010. PA, PUBLIC AMUSEMENT AND RECREATION ZONE. USE. Within any PA, Public Amusement and Recreation Zone, no building, structure, or premises shall be used, arranged, or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (A) Airport
- (B) Amusement park
- (C) Armory
- (D) Auditorium
- (E) Ball park
- (F) Dwelling for the caretaker or watchman; or mobile home
- (G) Exposition
- (H) Fairground
- (I) Golf course
- (J) Military training facilities
- (K) Race tracks
- (L) Stadium
- (M) Stock show
- (N) Zoo
- (O) When authorized under the procedure provided for conditional uses, a recreational vehicle park may be allowed, if the location is (1) within an urban growth boundary, or (2) within a rural community center. [Amended by Ordinance 91-15]
- (P) Marina or boat club. [Amended by Ordinance 96-3]
- (Q) Eating places and / or drinking places where alcoholic beverages may or may not be served, accessory to a permitted non-residential use identified in this section, subject to:
 - (1) The commercial use within an unincorporated community shall be an area within a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas. Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance,
 - (2) The commercial use outside an urban growth boundary and outside an unincorporated community shall use an area in a building or buildings less than 3,950 square feet (the floor area calculation does not include outdoor storage areas), and
 - (a) Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment in the form of an exception to Statewide Planning Goal 14 as provided in the Zoning Ordinance and pursuant to ORS 197.732, and
 - (b) Expansion beyond the building size limitation shall show that the use will not have adverse impacts on surrounding farm and forest activities or exceed the capacity of the site itself to provide adequate water and absorb wastewater. [Amended by Ordinance 02-02]
- (R) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in

an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138. [Amended by Ordinance 09-06]

170.020. PC, PUBLIC AND PRIVATE CEMETERIES ZONE. USE. Within any PC, Public and Private Cemeteries Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more following uses:

- (A) Cemetery
- (B) Dwelling for the caretaker or watchman
- (C) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138. [Amended by Ordinance 09-06]

When authorized under the procedure provided for conditional uses crematoriums and mausoleums shall be permitted in a PC, Public and Private Cemeteries, Zone.

170.030. PE, PUBLIC AND PRIVATE EDUCATIONAL FACILITIES ZONE. USE. Within any PE, Public and Private Educational Facilities Zone, no building, structure, or premises shall be used, arranged, or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

- (A) School
- (B) Educational institution
- (C) School or institution for the handicapped, provided it is non-residential
- (D) Dwelling for the caretaker or watchman or housing for staff
- (E) Dwelling, mobile home, or dormitory for students and/or faculty [Amended by Ordinance 219]
- (F) Eating places and / or drinking places where alcoholic beverages may or may not be served, accessory to a permitted non-residential use identified in this section, subject to:
 - (1) The commercial use within an unincorporated community shall be an area within a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas. Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

- (2) The commercial use outside an urban growth boundary and outside an unincorporated community shall use an area in a building or buildings less than 3,950 square feet (the floor area calculation does not include outdoor storage areas), and
 - (a) Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment in the form of an exception to Statewide Planning Goal 14 as provided in the Zoning Ordinance and pursuant to ORS 197.732, and
 - (b) Expansion beyond the building size limitation shall show that the use will not have adverse impacts on surrounding farm and forest activities or exceed the capacity of the site itself to provide adequate water and absorb wastewater. [Amended by Ordinance 02-02]
- (G) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138. [Amended by Ordinance 09-06]

170.040. PH, PUBLIC AND PRIVATE HOSPITALS. USE. Within any PH, Public and Private Hospitals Zone, no building, structure, or premises shall be used, arranged, or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (A) Penal institution
- (B) Reformatory
- (C) Detention and correctional home, institution or school
- (D) Hospital and institution for the mentally retarded
- (E) Hospital
- (F) Medical and dental clinic
- (G) Dwelling for the caretaker or watchman or housing for staff
- (H) Residential school for the handicapped
- (I) Eating places and / or drinking places where alcoholic beverages may or may not be served, accessory to a permitted non-residential use identified in this section, subject to:
 - (1) The commercial use within an unincorporated community shall be an area within a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas. Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.
 - (2) The commercial use outside an urban growth boundary and outside an unincorporated community shall use an area in a building or buildings less than 3,950 square feet (the floor area calculation does not include outdoor storage areas), and

- (a) Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment in the form of an exception to Statewide Planning Goal 14 as provided in the Zoning Ordinance and pursuant to ORS 197.732, and
 - (b) Expansion beyond the building size limitation shall show that the use will not have adverse impacts on surrounding farm and forest activities or exceed the capacity of the site itself to provide adequate water and absorb wastewater. [Amended by Ordinance 02-02]
- (J) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138. [Amended by Ordinance 09-06]

170.050. PP, PUBLIC PARK ZONE. USE. Within any PP, Public Park Zone, no building, structure, or premises shall be used arranged, or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (A) Public park (non-commercial)
- (B) Public playground (non-commercial)
- (C) Parkway
- (D) Municipal Golf Course
- (E) Dwelling for the caretaker or watchman
- (F) Eating places and / or drinking places where alcoholic beverages may or may not be served, accessory to a permitted non-residential use identified in this section, subject to:
 - (1) The commercial use within an unincorporated community shall be an area within a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas. Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.
 - (2) The commercial use outside an urban growth boundary and outside an unincorporated community shall use an area in a building or buildings less than 3,950 square feet (the floor area calculation does not include outdoor storage areas), and
 - (a) Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment in the form of an exception to Statewide Planning Goal 14 as provided in the Zoning Ordinance and pursuant to ORS 197.732, and
 - (b) Expansion beyond the building size limitation shall show that the use will not have adverse impacts on surrounding farm and forest activities or exceed the capacity of the site itself to provide adequate water and absorb wastewater. [Amended by Ordinance 02-02]

- (G) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138. [Amended by Ordinance 09-06]

170.060. PS, PUBLIC SERVICE ZONE. USE. Within any PS, Public Service Zone, no building, structure, or premises shall be used, arranged, or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

- (A) Municipal or government service building, structure and use, i.e., reservoir, water tower, pump station, sewage treatment plant, land fill operation, bus equipment, parking, servicing or repairing
- (B) Dwelling for the caretaker or watchman [Amended by Ordinance 113]
- (C) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138. [Amended by Ordinance 09-06]

170.062. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted in all public zones, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137. [Amended by Ordinance 09-06]

170.065. CONDITIONAL USES.

- (A) Commercial utilities for the purpose of generating power for public use by sale, including but not limited to turbine, thermonuclear, geothermal, hydro-electric installations and transformer stations, electric transmission lines and substations owned by the utility.
- (B) Public or private solid waste disposal site, solid waste transfer facility, sanitary land fill (see Chapter 120.300).
- (C) Television, microwave, radio, and communication towers and facilities, as provided in Section 112.135. [Amended by Ordinance 01-3]

- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137. [Amended by Ordinance 09-06]

170.070. ABANDONING USE: TRANSFER OF OWNERSHIP. Whenever the existing use of any Public Zone, or a part of any such zone, is abandoned or the property transferred to private ownership for different use, the Planning Commission shall recommend to the Board of Commissioners appropriate rezoning for any such area. [Amended by Ordinance 96-3]

170.080. CHANGING USE. Any area shown on the official zoning map as a park, playground, cemetery, ball park, fairgrounds, airport, school or other public or semi-public area, shall not be used for any other purpose than that for which such area is used at the effective date of the Polk County Zoning Ordinance, and whenever the use of such an area is discontinued or proposed to be changed, the Planning Commission shall recommend to the Board of Commissioners appropriate rezoning for any such area. [Amended by Ordinance 89-17]