



1140 12TH AVENUE
SWEET HOME, OREGON 97386
541-367-5128

April 23, 1997

TO: Leona
FROM: Carol Lewis *Carol*
RE: Library Expansion

In response to your request for information concerning the expansion of the Library to the east of the existing building. The Library is on Assessor's Map 13-1E 31AD Tax Lot 7700, which is approximately 145.2 by 81.97 = 11902 square feet. The zoning for the property is Central Commercial (C-1).

I have attached some information for you, including a map of the property. The Library is a non-conforming structure due to its not meeting the required street side yard abutting a residential zone. A non-conforming structure may be extended if the extension does not cause the structure to deviate further from the standards of the ordinance.

The Zoning Ordinance has no requirements for lot coverage in the C-1. There are no front, rear or side setbacks for the C-1 zone. The structure could be expanded as long as it went no further in to the required 15 foot setback area (which I do not believe it could without being in the street!). You can have a structure up to 40 feet in height.

I suggest you speak with John Gordon concerning any concerns he may have with the construction phase of the proposed project.

Why is

Can Carol come & explain to us next meeting what this means to us - How about parking -

6. Office, business or professional;
7. financial institution, such as bank;
8. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall;
9. The city manager shall determine whether a specific use is appropriate to a particular use group permitted in the C-1 zone. In considering a zoning permit for a commercial enterprise in the C-1 zone, the city manager shall either approve the use, disapprove the use, or refer it to the planning commission for a decision. A decision of either the city manager or planning commission may be appealed using procedures as specified in Section 17.12.-090.

17.32.030 Conditional uses permitted. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. Church, nonprofit religious or philanthropic institution;
- B. Governmental structure or use of land;
- C. Public utility facility;
- D. Antique shop or secondhand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building;
- E. Automobile service station; provided, that no major automobile repair, overhaul or reconstruction shall be permitted; and provided, further, that any incidental automobile repair shall be performed entirely within an enclosed building;
- F. Any use permitted in a C-1 zone with customer drive-in service facilities;
- G. Veterinarian office, animal hospital; provided, all animals shall be kept at all times within an enclosed building.

17.32.040 Yards. Except as provided in Chapter 17.80 and Sections 17.08.030 through 17.08.130 in a C-1 zone yards shall be as follows:

- A. A front yard abutting a residential zone shall be a minimum of twenty feet;
- B. A street side yard abutting a residential zone shall be a minimum of fifteen feet;
- C. A side or rear yard abutting a residential zone shall be a minimum of ten feet.

The library is non-conforming

17.32.050 Building height. Except as provided in Chapter 17.80 and Sections 17.08.030 through 17.08.130, in a C-1 zone no building shall exceed a height of forty feet.

17.32.060 Open storage. In a C-1 zone, there shall be no open storage except as provided in Section 17.36.080 or as hereafter amended.

Chapter 17.32

C-1 COMMERCIAL CENTRAL ZONE

Sections:

- 17.32.010 Purpose.
- 17.32.020 Uses permitted outright.
- 17.32.030 Conditional uses permitted.
- 17.32.040 Yards.
- 17.32.050 Building height.
- 17.32.060 Open storage.

17.32.010 Purpose. The purpose of the C-1 zone is to provide an area suitable and desirable for retail and service enterprises, offices, financial institutions and public service uses which are appropriate in the intensively developed commercial center of the community in order to meet shopping and other business needs of area residents. The C-1 zone is appropriate only in the downtown area of the city.

17.32.020 Uses permitted outright. In a C-1 zone, the following uses and their accessory uses are permitted outright:

A. Two-family dwellings, multifamily dwellings and residential facilities shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-1 zone;

B. Parking lot;

C. Family day care center;

D. Community center;

E. Bus depot, taxicab stand;

F. Club, lodge, fraternal organization;

G. Newspaper office, print shop;

H. Motel, hotel, rooming/boarding house, bed and breakfast establishment;

I. A commercial enterprise which may be classified as belonging to one of the following use groups:

1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store;

2. Automobile, boat, truck or trailer sales establishment; provided any associated repair shall be incidental to the operation and that all sales, service, storage, repair and display shall occur within an enclosed building;

3. Personal or business service establishment such as barber or beauty shop, drycleaning establishment, tailor shop or locksmith;

4. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-1 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop;

5. Eating or drinking establishments such as restaurant, tavern, or cocktail lounge;

17.84.030 Nonconforming structure. A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standard may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this title. (Ord. 644 §7.030, 1974)

17.84.040 Discontinuance of a nonconforming use. A. If a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.

B. If a nonconforming use not involving a structure is discontinued from active use for a period of six months, further use of the property shall be for a conforming use. (Ord. 644 §7.040, 1974)

17.84.050 Change of a nonconforming use. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located. (Ord. 644 §7.050, 1974)

17.84.060 Destruction of a nonconforming use or structure. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding sixty percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall be in accordance with the provisions of the zone in which the property is located. (Ord. 644 §7.060, 1974)

17.84.070 Repairs and maintenance. Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring or plumbing; provided, the building is not increased in cubic content or floor area. (Ord. 644 §7.070, 1974)

17.84.080 Completion of structure. Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this title;

provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the permit is issued. (Ord. 644 §7.080, 1974)

Chapter 17.88

VARIANCES

Sections:

- 17.88.010 Authorization to grant or deny variances.
 17.88.020 Circumstances for granting a variance.
 17.88.030 Procedure for taking action on a variance application.
 17.88.040 Building and zoning permits for an approved variance.
 17.88.050 Time limit on an approved variance application.
 17.88.060 Termination of a variance.
 17.88.070 Limitation.

17.88.010 Authorization to grant or deny variances. Variances from the requirements of this title may be granted where it can be shown that, owing to special and unusual circumstances related to a specific lot, strict application of the title 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, conditions may be attached which are necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this title. (Ord. 714 §1(part), 1978; Ord. 644 §8.010, 1974)

17.88.020 Circumstances for granting a variance. A variance may be granted only in the event that all of the following circumstances are considered:

A. 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 title have had no control;

B. 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;

C. The variance would not be materially detrimental to the purposes of this title, or to property in the same

