



**ORDINANCE NUMBER 2021-01**

**AMENDING MOLALLA MUNICIPAL CODE SECTION 21.12 AND  
RENUMBERING TO MOLALLA MUNICIPAL CODE SECTION 17-4.9  
REGARDING CHANGE OF USE AND OCCUPANCY**

**WHEREAS**, Change of Use and Occupancy is inherently a development related process; and  
**WHEREAS**, Development related processes are most appropriately cabined in the Title 17 Development Code section of the Molalla Municipal Code (MMC); and  
**WHEREAS**, The MMC currently has the Change of Use and Occupancy provisions in the Title 21 Additional Regulations section of the MMC; and  
**WHEREAS**, The language in the current Change of Use and Occupancy provisions is ambiguous; and  
**WHEREAS**, The Molalla Planning Commission recommended adoption of this Ordinance; and  
**WHEREAS**, Ambiguous language in the MMC should be clarified to ensure accessibility.

**Now, Therefore, the City of Molalla Ordains as follows:**

**Section 1.** Molalla Municipal Code (MMC) Section 21.12 is hereby amended and renumbered in accordance with Exhibit "A."

**Section 4. Effective Date.** The effective date of this amendment will take place thirty (30) calendar days after adoption of the Ordinance.

Signed this 27th day of January 2021.

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Mayor Scott, Keyser

ATTEST:

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Christie DeSantis, City Recorder

# Exhibit A

## Ordinance 2021-01

### **TEXT OF PROPOSED CHANGE:**

*Current code language is in black font, proposed additions are in red font, proposed deletions have been lined out*

#### **Chapter ~~21-12~~ 17-4.9 CHANGE OF USE OR OCCUPANCY**

##### **17-4.9.010 ~~21-12-010~~ Change of use Requirements.**

- A. Any change of use **or occupancy** that differs from the existing or previous use **or occupancy** is required to **submit a zoning checklist pursuant to MMC section 17-4.1.020.** ~~go through a change of use.~~
- B. ~~The Planning Director shall, at a minimum, review the parking requirements for all changes of use.~~
- C. If the Planning Director deems the change of use **or occupancy** to be a change from the previous **or existing** use **or occupancy**, the use shall go through a **site** design review, as applicable, ~~procedure~~ pursuant to Chapter **17-4.2.020.** ~~19-08.~~
- D. ~~The Building Official shall also review the change of use through the building permit process. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

##### **17-4.9.020 ~~21-12-020~~ Permitting process.**

- A. A person proposing a change of use **or occupancy** shall submit **a zoning checklist** ~~an application~~ to the Planning Director.
- B. The Planning Director shall **confer with the appropriate City Departments, County Departments, Special Districts, and State Agencies.** ~~circulate the application to the Public Works Director and other City agencies as appropriate.~~
- C. Upon conference with the appropriate entities, the Planning Director shall **approve the change, deny the change, or prescribe the required processes to gain approval.** (Ord. 2010-15 §1; Ord. 2010-04 §1)

##### **~~21-12-300 Fee:~~**

~~A change of occupancy shall be subject to a fee as set by City Council resolution. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~