

CITY ORDINANCE NO. 807

AN ORDINANCE REGULATING
THE USE OF LAND AND STRUCTURES IN THE CITY OF
PRINEVILLE, OREGON, AND ESTABLISHING ZONES FOR
THAT PURPOSE

ENACTED AUGUST 22, 1978

REPEALING CITY ORDINANCE NO. 608 AND
ALL AMENDMENTS THERETO

City Ordinance No. 807

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CITY ORDINANCE NO. 807

CITY OF PRINEVILLE, OREGON

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN THE CITY OF PRINEVILLE, OREGON, ESTABLISHING ZONES FOR THAT PURPOSE, AND REPEALING CITY ORDINANCE NO. 608 AND ALL AMENDMENTS THERETO.

THE PEOPLE OF THE CITY OF PRINEVILLE, OREGON, DO ORDAIN AS FOLLOWS:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. TITLE. This Ordinance shall be known as the City of Prineville Zoning Ordinance of 1978.

Section 1.020. PURPOSE. The intent and purpose of this Ordinance is to promote the public health, safety and general welfare and to carry out the Comprehensive Plan and policies thereof for the City, the provisions of ORS Chapter 227, and the Statewide Planning Goals adopted pursuant to ORS Chapter 197. Thereof, approvals granted pursuant to the provisions of this Ordinance shall be based on the following considerations, among others: the various characteristics of the various areas in the City; the suitability of an area for a particular land use; trends in land improvement; density of development; property values; the needs of economic enterprises in the future development of an area; needed accesses to particular sites in the City; natural resources and the need for development or conservation thereof; and the public need for healthful, safe and aesthetic surroundings and living conditions. Approvals constituting a conversion of land use shall be based upon consideration of the following factors: environmental, energy, social and economic consequences; demonstrated need; unavailability of alternate suitable locations for a particular use; compatibility of a proposed use with related land uses; needs for housing; employment opportunities; livability; orderly and economic provision of public facilities and services; and maximum efficiency of land use. More specifically, purpose of this ordinance is to achieve the following objectives: to promote the use of land and structures in compliance with the City's Comprehensive Plan; to guide the precise development of the City; to encourage orderly growth so that residential, commercial, industrial and public uses maintain their identities through exclusion of incompatible uses; to maintain a suitable and desirable balance between structures and open space on each site; to ensure preservation of adequate space for future development of commercial, industrial and other activities necessary for a healthy and balanced economy; to promote safe and efficient movement of people and goods without sacrifice to the quality of the City's environment; to prevent undue concentrations of population; to facilitate adequate provision of community services; to protect the City from excesses of urban sprawl, strip development, and scattered commercial activities; and to further coordination of planning and development between all affected parties.

8. Apartment: A building or portion thereof, designated for occupancy by three or more families living independently of each other.
9. Automobile Service Station. A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work, are excluded except where such uses are otherwise permitted.
10. Automobile and Trailer Sales Area: An open area other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.
11. Automobile Wrecking Yard: A premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.
12. Basement: A story partly underground. A basement shall be counted a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground.
13. Boarding House: A building or portion thereof, other than a hotel, where meals or lodging or both are provided for compensation for more than four persons, but not to exceed twenty persons.
14. Building: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
15. Camp, Tourist or Trailer Park: Any area or tract of land used or designed to accommodate two or more trailers, or two or more camping vehicles or outfits, including cabins.
16. Camping Vehicles: A vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and may be equipped with plumbing, sink or toilet.
17. Carrying Capacity: Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land and water resources.

31. Dwelling, Seasonal: A dwelling unit, including a mobile home, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one family for recreational or seasonal purpose only.
32. Dwelling, Two-Family: A building containing two dwelling units and designed for occupancy by two families.
33. Dwelling Unit: Means one or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
34. Easement: A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.
35. Family: An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.
36. Farm Use: The employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the product of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees, or to the construction and use of dwellings customarily provided in conjunction with the farm use. As used in this definition and this ordinance, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
37. Fire Break: A break in the ground cover fuels intended to prevent the spread of fire as specified by the appropriate fire protection agency or the Commission.
38. Flood, Base: Inundation during periods of higher than normal streamflow, high winds, high intensity storms, or combination thereof that has a one percent chance of being equalled or exceeded in any given year.
39. Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumula-

47. Grade (ground level): The average elevation of the finished ground elevation at the centers of all walls of a building, walk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.
48. Group Care Home: Any private or public institution maintained and operated for the care, boarding, housing, or training of four or more physically, mentally, or socially handicapped or delinquent elderly or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption to such persons. An example would be a nursing home.
49. Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
50. Height of Building: The vertical distance from the grade to the heighest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.
51. Historic Area: Lands with sites, structures and objects that have local, regional, statewide, or national historical significance.
52. Home Occupation: Any lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, or in an accessory building on the same or adjacent property, with limited retail sales or sales accessory to service and employing no full-time employees, except immediate family.
53. Hospitals: Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two or more non-related individuals suffering from illness, injury, or deformity, or where obstetrical or other healing, curing and/or nursing care is rendered over a period exceeding 24 hours.
54. Hospital, Animal: A building together with animal runs, in which veterinary services, clipping, bathing, boarding, and other services are rendered to animals and domestic pets.
55. Hotel (Motel): A building or group of buildings used for transient residential purposes, containing three or more rental units which are designed to be used, or which are used, rented or hired out for sleeping purposes.
56. Indoor Recreational Area: A room or rooms within an enclosed building which is designated and used for recreational purposes by the public and/or occupants of a residential development. Activities provided for within an indoor recreation area may include, but are not limited to the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance floors, tennis or handball courts, and games such as pool, ping pong, shuffleboard, etc.

66. Lot: A unit of land which is or may be occupied by principal and accessory structures, together with the yards or open spaces required by this Ordinance and which has legal access to public right-of-way, and exists as a unit under ownership of record.

A unit of land that is created by a subdivision or partitioning of land, and is intended as a unit for disposition, transfer of ownership or interest, or for development.

- a. Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road right-of-ways or easements.
 - b. Lot, Corner. A lot abutting on two or more streets, other than alleys, at their intersection; provided the angle of intersection of the abutting streets does not exceed 135 degrees.
 - c. Lot Depth. The average horizontal distance between the front and rear lot lines.
 - d. Lot Line. The property line bounding a lot.
 - e. Lot Line, Front. The lot line separating a lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
 - f. Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other odd shaped lot, a line 10-feet in length within the lot, parallel to, and at a maximum distance from the front lot line.
 - g. Lot Line, Side. Any lot line other than a front or rear lot line bounding a lot.
 - h. Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.
 - i. Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
67. Mobile Home: A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, dependent on external utility connections, and designed without permanent foundation for year-round residential use. A unit may contain parts that fold, collapse or telescope for towing and be expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. For purposes of this definition, it shall be immaterial: whether said unit

78. Nursing Home: Any home, institution or other structure maintained or operating for the nursing and care of four or more ill or infirm adults not requiring hospital care or hospital facilities.
79. Open Space: Consists of lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use: conserve and enhance natural or scenic resources; protect air or streams or water supply; promote conservation of soils, wetlands, beaches, or marshes; conserve landscaped areas, such as public or private golf courses, that reduce pollution and enhance the value of abutting or neighboring property; enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations or other open space; enhance recreation opportunities, preserve historic, geological and archeological sites; promote orderly urban development; and minimize farm and non-farm conflicts.
80. Owner: The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll or county recorder's records.
81. Parcel: A unit of land that is created by a partitioning of land.
82. Parking Area, Private: Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this ordinance and not open space for use by the general public.
83. Parking Area, Public: Privately or publicly owned property other than streets or alleys on which parking spaces are defined, designed or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this ordinance for retail customers, patrons and clients.
84. Parking Space: A clear, off-street area for the temporary parking or storage of one automobile, having all-weather surface of a width not less than eight and one-half feet and a length of not less than 22 feet and be not less than eight and one-half feet in height when within a building or structure; such parking space shall not be less than 190 square feet in area and shall have easy access to a street or alley by a driveway having an all-weather surface.
85. Partition: An act of partitioning land or an area or tract of land partitioned.
86. Partition Land: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include any adjustment of a lot

96. Public Utility Water System: A domestic water supply source and distribution system supplying water for household uses, owned and operated by a person subject to regulation by the Public Utility Commissioner of Oregon and supplying water to a total of 500 or more households.
97. Public Water System: A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.
98. Recreation Camps or Resorts: An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.
99. Residential Use: A structure or use for occupancy as a human dwelling or lodging place such as a single family, two family, and multi-family dwellings; duplexes; apartments; boarding, lodging, or rooming houses, mobile homes and mobile home parks; and labor camps.
100. Retirement Center: A building or group of buildings, containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit) by persons over the age of 60 years; excluding convalescent and nursing care as a function of the center.
101. Right-of-way: The area between the boundary lines of a street, road or other easement.
102. Road or Street: A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
 - a. Alley: A narrow street through a block primarily for vehicular service access to the back or side of properties abutting on another street.
 - b. Arterial: A street of considerable continuity which is primarily a traffic artery for inter-communication among large areas, and so designated by the City's Comprehensive Plan or by the Commission.
 - c. Bicycle Route: A right-of-way for bicycle traffic.
 - d. Collector: A street supplementary to the arterial street system and a means of inter-communication between this system and small areas; used to some extent for through traffic and to some extent for access to abutting properties, and so designated by the City's Comprehensive Plan or by the Commission.
 - e. Cul-de-sac: (dead end street) A short street having

108. Stable, Private: A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.
109. Stable, Public: A stable other than a private stable.
110. Start of Construction: Means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
111. Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above.
112. Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.
113. Street: The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms "road", "highway", "land", "place", "avenue", "alley", or other similar designation.
114. Structural Alteration: Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
115. Structure: Something constructed or built and having a fixed based on, or fixed connection to, the ground or another structure.
116. Subdivision and Subdivided Lands: Improved or unimproved land or lands divided, or created into interests or sold

intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plating, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height measured from the grade of the street center line.

125. Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
- a. Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.
 - b. Yard, Rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
 - c. Yard, Side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.
 - d. Yard, Street Side. A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Section 1.050. COMPLIANCE WITH ORDINANCE PROVISIONS.

1. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance permits.
2. No lot area, yard, or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.
3. No lot area, yard, or other open space which is required by this ordinance for one use shall be used as the required lot area, yard, or open space for another use.

Section 1.060. ZONING PERMIT. Prior to the construction, reconstruction, alteration, or change of use of any structure or lot for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use shall be obtained from the secretary of the Planning Commission or his authorized agent. A zoning permit shall be void after six (6) months unless construction has commenced.

ARTICLE 2. ESTABLISHMENT OF ZONES

Section 2.010. ESTABLISHMENT OF ZONES. For the purpose of this ordinance, the following zones are hereby established:

<u>Section</u>	<u>Zones</u>	<u>Abbreviated Designation</u>
3.010	Limited Residential	R-1
3.020	General Residential	R-2
3.030	General Residential - Mobile	R-3
3.040	General Commercial	C-1
3.050	Outlying Commercial	C-2
3.060	Professional Commercial	C-3
3.070	Neighborhood Commercial	C-4
3.080	Recreation Commercial	C-5
3.090	Limited Industrial	M-1
3.100	General Industrial	M-2
3.110	Flood Plain Combining	(FP)
3.120	Scenic Corridor-Open Space (Reserved)	(OS)

Section 2.020. LOCATION OF ZONES. The boundaries of the zones listed in this ordinance shall be as indicated on the City of Prineville Zoning Map of 1978 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments pursuant to this section and shall be adopted by reference.

Section 2.030. ZONING MAPS. A Zoning Map or Zoning Map Amendment adopted by Section 2.020 of this ordinance or by an amendment to said section shall be prepared by authority of the Planning Commission or be a modification by the City Council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the County Clerk, the office of the City Administrator, and the Planning Department as long as this ordinance remains in effect.

Section 2.040. ZONE BOUNDARIES. Unless otherwise specified, Zone Boundaries are section lines, subdivision lines, lot lines, center lines of streets, alleys, canal or railroad rights-of-way, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or such lines extended. Whenever any uncertainty exists as to the boundary of a zone as shown on the Zoning Map or amendment thereto, the following regulations shall control:

1. Where a boundary line is indicated as following a street, alley, canal or railroad right-of-way, it shall be construed as following the center line of such right-of-way.
2. Where a boundary line follows or approximately coincides with a section, lot or property ownership line, it shall be construed as following such line.
3. If a zone boundary as shown on the Zoning Map divides a

ARTICLE 3. USE ZONES

Section 3.010. LIMITED RESIDENTIAL ZONE, R-1. In an R-1 Zone, the following regulations shall apply:

1. Uses Permitted Outright. In an R-1 Zone, the following uses and their accessory uses are permitted outright.

- a. Single-family dwelling, excluding a mobile home on an individual lot, served by public or municipal water supply and sewer systems.
- b. Subdivision, partitioning or Planned Unit Development.

2. Conditional Uses Permitted. In an R-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of this section and Article 6 of this ordinance.

- a. Single-family dwelling, excluding a mobile home, not served by public or municipal water supply or sewer system.
- b. Two-family dwelling served by public or municipal water supply and sewer systems.
- c. Two-family dwelling not served by public or municipal water supply or sewer system.
- d. Church.
- e. Public or private school.
- f. Radio or television tower.
- g. Hospital, nursing home, convalescent home or retirement home.
- h. Golf course and other open land recreational use, excluding intensive commercial recreational or amusement uses such as pitch'n'putt golf course, driving range, automobile or motorcycle race track, or amusement park regardless whether or not such uses are public or private or whether a fee is charged.
- i. Governmental structure or use limited to a park, playground, recreation building, fire station, library or museum.
- j. Utility facility necessary for public service to the area, providing no outside storage is involved.
- k. Publicly or privately operated kindergarten or day nursery, provided the residential character of the building so utilized is maintained.

public schools, or churches, which may be increased in height to three stories or thirty-five (35) feet.

- e. Vision Clearance. On corner lots there shall be a minimum of twenty (20) feet.
- f. Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.
- g. A rear yard shall be a minimum of 10 feet.

5. Signs. Subject to the limitations set forth in this subsection, the following signs are permitted in an R-1 Zone:

- a. Identification signs not exceeding a total of one (1) square foot of display surface for any use.
- b. One temporary sign pertaining to the lease, rental or sale of property not exceeding four (4) square feet of display surface area.
- c. One temporary sign per subdivision or planned unit development advertising the sale of lots within the development not exceeding thirty-two (32) feet of display area.
- d. One sign per subdivision or planned unit development identifying the development not exceeding sixteen (16) square feet of display area.
- e. Moving or intermittent flashing signs are prohibited.

6. Off-Street Parking. In an R-1 Zone, off-street parking shall be provided in accordance with the provisions of Article 4 of this ordinance.

7. Nuisances Prohibited. No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, or vibration or any hazard to the general health, safety, and welfare. Thereof, specifically, no livestock shall be permitted except domestic dogs and cats, and such shall be confined to an individual owners property.

Section 3.020. GENERAL RESIDENTIAL ZONE, R-2. In an R-2 Zone, the following regulations shall apply:

1. Uses Permitted Outright. In an R-2 Zone, the following uses and their accessory uses are permitted outright.

- a. Single-family dwelling, excluding a mobile home, served by public or municipal water supply and sewer systems.
- b. Two-family dwelling served by public or municipal water supply and sewer systems.

community, municipal or public water system and an approved community or public sewerage system, the minimum lot area shall be 7,500 square feet.

- c. For a single-family dwelling not served by either an approved community, municipal or public water system or an approved community or public sewerage system, the minimum lot area shall be 1.0 acre (43,560 square feet).
- d. For a single-family dwelling served by an approved community, municipal or public water system but not served by an approved community or public sewerage system, or a single-family dwelling served by an approved community or public sewerage system but not served by an approved community, municipal or public water system, the minimum lot area shall be 20,000 square feet.
- e. For a two-family dwelling served by an approved community or public sewerage system but not by an approved community, municipal or public water system, or a two-family dwelling served by an approved community, municipal or public water system but not by an approved community or public sewerage system, the minimum lot area shall be 30,000 square feet.
- f. For a two-family dwelling not served by either an approved community, municipal or public water system or an approved community or public sewerage system, the minimum lot area shall be 60,000 square feet.
- g. For a multi-family dwelling having one-story and not served by either an approved community, municipal or public water system or an approved community or public sewerage system, the minimum lot area shall be 60,000 square feet plus 7,500 square feet for each dwelling unit over two (2).
- h. For a multi-family dwelling unit having more than one story and not served by either an approved community, municipal or public water system or an approved community or public sewerage system, the minimum lot size shall be 60,000 square feet plus 6,000 square feet for each dwelling unit over two (2).
- i. For a multi-family dwelling unit having one story and served by either an approved community, municipal or public water system or an approved community or public sewerage system but not both, the minimum lot area shall be one (1) acre (43,560 square feet), plus 5,000 square feet for each dwelling unit over three (3).
- j. For a multi-family dwelling unit having more than one story and served by either an approved community, municipal or public water system or an approved community or public sewerage system but not by both, the minimum lot area shall be one (1) acre (43,560 square feet), plus 2,500 square feet for each dwelling unit over four (4).
- k. For a multi-family dwelling unit having one story and

- d. One sign per subdivision or planned unit development identifying the development not exceeding sixteen (16) square feet of display area.
- e. Moving or intermittent flashing signs are prohibited.

6. Off-Street Parking. In an R-2 Zone, off-street parking shall be provided in accordance with the provisions of Article 4 of this ordinance.

Section 3.030. GENERAL RESIDENTIAL-MOBILE ZONE, R-3. In an R-3 Zone, the following regulations shall apply:

1. Uses Permitted Outright. In an R-3 Zone, the following uses and their accessory uses are permitted outright.

- a. Single-family dwelling, excluding a mobile home, served by public or municipal water supply and sewer systems.
- b. Two-family dwelling served by public or municipal water supply and sewer systems.
- c. Planned unit developments and subdivisions, excluding developments and subdivisions for mobile homes.
- d. Land partitioning.

2. Conditional Uses Permitted. In an R-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 6 of this ordinance.

- a. Single-family or two-family dwelling, excluding a mobile home, not served by public or municipal water supply or sewer system.
- b. Multi-family dwelling unit or apartment.
- c. Subdivision or Planned Unit Development permitting mobile homes as single family dwellings.
- d. Church.
- e. Public or private school or college.
- f. Hospital, nursing home, convalescent home or retirement home.
- g. Golf course and other open land recreational use, excluding intensive commercial recreational or amusement uses such as pitch'n'putt golf course, driving range, automobile or motorcycle race track, or amusement park regardless whether or not such uses are public or private or whether a fee is charged.
- h. Radio or television tower.

community or public sewerage system, the minimum lot area shall be 60,000 square feet.

- g. For a multi-family dwelling having one-story and not served by either an approved community, municipal or public water system or an approved community or public sewerage system, the minimum lot area shall be 60,000 square feet plus 7,500 square feet for each dwelling unit over two (2).
- h. For a multi-family dwelling unit having more than one story and not served by either an approved community, municipal or public water system or an approved community or public sewerage system, the minimum lot size shall be 60,000 square feet plus 6,000 square feet for each dwelling over two (2).
- i. For a multi-family dwelling unit having one story and served by either an approved community, municipal or public water system or an approved community or public sewerage system but not both, the minimum lot area shall be one (1) acre (43,560 square feet) plus 5,000 square feet for each dwelling unit over three (3).
- j. For a multi-family dwelling unit having more than one story and served by either an approved community, municipal or public water system or an approved community or public sewerage system but not by both, the minimum lot area shall be one (1) acre (43,560 square feet) plus 2,500 square feet for each dwelling unit over four (4).
- k. For a multi-family dwelling unit having one story and served by both an approved community, municipal or public water system and an approved community or public sewerage system, the minimum lot area shall be 7,500 square feet plus 1,500 square feet for each dwelling unit over two (2).
- l. For a multi-family dwelling unit having more than one story and served by both an approved community, municipal or public water system and an approved community or public sewerage system, the minimum lot area shall be 7,500 square feet plus 1,000 square feet for each dwelling unit over two (2).

4. Dimensional Standards and Setback Requirements. In an R-3 Zone, the following dimensional and setback requirements shall apply:

- a. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the lot area.
- b. Front Yard. Front yards shall not be less than twenty (20) feet deep.
- c. Side Yards. The sum of the width of side yards shall be a minimum of twelve (12) feet, and each side yard shall be a minimum of three (3) feet, except that on corner lots the side yard on the street side shall be a minimum of ten (10) feet.

- h. Farm and other heavy equipment sales and service.
- i. Commercial recreation or entertainment facility including drive-in theatre, golf course including pitch 'n' putt and driving range, and other such uses.
- j. Mobile home park.

4. Site Plan Review. In a C-1 Zone, a use permitted outright by this section shall be subject to the provisions of this subsection. Before a new building may be constructed or an existing building enlarged or substantially altered, or a new use initiated, a site development plan shall be prepared and submitted to the Planning Department for review and approval. Construction, development and use of a site shall be in substantial conformance with the provisions of this section, this ordinance, and the Comprehensive Plan, and actual development shall be in substantial conformance with plans approved by the Planning Department in accordance with this subsection.

5. Limitations on Uses. Except as authorized in accordance with the provisions of this section and Article 6 of this ordinance, the following limitations shall apply to all uses and their accessory uses permitted in a C-1 Zone:

- a. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows, display of merchandise along the outside wall of the building not extending more than three (3) feet from the wall on private property only, the outside display of merchandise during a merchants or community sponsored promotional sale, or the outside display of merchandise confined to an area or facility designed for such purpose and approved by the Commission or Director.
- b. All employee parking demand created by any use permitted under the provisions of this section shall be provided entirely off-street. Employee parking demand shall be subject to the standards set forth in Section 4.040 OFF STREET PARKING REQUIREMENTS.
- c. No use permitted by this section shall require the backing of traffic onto a public street right-of-way to accommodate ingress or egress to any use or the premises thereof.
- d. There shall not be more than one egress and one ingress from properties accommodating uses permitted by this section. In all cases, permitted uses shall be encouraged and may be required to share accesses.

6. Additional Requirements. In addition to other standards and requirements set forth by this section and this ordinance, the Commission or the Planning Director may require the following in approving a use permitted by this section:

- a. Off-street loading may be required in accordance with the provisions of Article 4 of this ordinance.
- b. Landscaping and vegetative or other screening may be

required to protect abutting area land uses and to increase the attractiveness of the area.

- c. Uses permitted by this section involving drive-in window service shall be limited in ingress and egress locations which will not create traffic hazards, cross traffic patterns, or require additional curb cuts on a street recognized as a primary thoroughfare, i.e., an arterial or collector.

7. Use Criteria. In the approval of a use proposed pursuant to the provisions of this section, in addition to other requirements set forth by this ordinance, the Commission or the Planning Director shall find that:

- a. The proposed use is compatible and complementary to abutting and area uses.
- b. The proposed use is in compliance with the applicable Comprehensive Plan policies relative to "Core" area commercial development and preservation.
- c. The proposed use will not create an excessive demand or detrimental effect on transportation and parking facilities and will not create additional traffic hazards or generate adverse traffic patterns.
- d. The appearance and type of business proposed will be generally beneficial to other uses in the area and the overall "Core" commercial area.
- e. The proposed use and development plan thereof constitutes an effective and efficient use of the site and required public facilities and services.

8. Dimensional and Setback Requirements. Dimensional and setback requirements shall be determined by requirements set forth by the Commission or the Planning Director relative to off-street parking and loading, ingress and egress, permitted outside display areas, landscaping, and other customer environment facilities or improvements, and requirements relative to construction safety standards. No use or accessory use thereof, however, shall be permitted which will project into or over a street right-of-way or create a hazard to vision clearance at street-to-street or street-to-alley intersection.

9. Signs. Signs shall comply with City Ordinance No. 824.

Section 3.050. OUTLYING COMMERCIAL ZONE, C-2. In a C-2 Zone, the following regulations shall apply:

1. Uses Permitted Outright. All uses or similar type uses not specifically listed as a conditional use or as an excluded use are considered to be permitted subject to Section 3.050 (4) (Site Plan Review).

2. Conditional Uses Permitted. In a C-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 6 of this ordinance:

directly onto the arterial street.

- g. In the case of development that is not required to provide a frontage road, provision of access to a street that intersects an arterial street instead of taking access directly from the arterial street in order to preserve the traffic carrying capacity and safety of the arterial street and avoid the cumulative effect of individual access points directly onto the arterial street.
- h. Any other conditions which it considers necessary to achieve the purposes of this ordinance.

5. Yards. In a C-2 Zone, the minimum yard requirements shall be as follows:

- a. A front yard shall be a minimum of 20 feet between a building or structure and the ultimate street right-of-way as adopted on the Comprehensive Plan or Official Map, or more than 20 feet if required for compliance with the transportation element of the Comprehensive Plan.
- b. A side or rear yard abutting a residential zone shall be a minimum of 25 feet.
- c. A side or rear yard abutting a street shall be a minimum of 10 feet.
- d. A rear yard abutting an alley shall be 10 feet when it is used for servicing the commercial establishment.

6. Height of Building. In a C-2 Zone, no building shall exceed a height of 35 feet or two and one-half stories, whichever is lower.

7. Lot Coverage. In a C-2 Zone, buildings shall not occupy more than 50 percent of the total lot area.

8. Lot Size. In a C-2 Zone, the minimum lot size shall be as follows:

- a. For a multi-family dwelling having one story and not served by either an approved community, municipal or public sewage system, the minimum lot area shall be one (1) acre (43,560 square feet) plus 7,500 square feet for each dwelling unit over two (2).
- b. For a multi-family dwelling unit having more than one story and not served by either an approved community, municipal, or public water system or an approved community, municipal or public sewage system, the minimum lot area shall be one (1) acre (43,560 square feet) plus 6,000 square feet for each dwelling unit over two (2).
- c. For a multi-family dwelling unit having one story and served by either an approved community, municipal or public water system or an approved community or public sewage system but not both, the minimum lot area shall

1. Uses Permitted Outright. In a C-3 Zone, the following uses and their accessory uses are permitted outright:

- a. Single-family dwelling, excluding a mobile home, served by public or municipal water supply and sewer systems.
- b. Two-family dwelling served by public or municipal water supply and sewer systems.
- c. Land development.

2. Conditional Uses Permitted. In a C-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 6 of this ordinance

- a. A multi-family dwelling served by public or municipal water supply and sewer systems.
- b. Governmental office.
- c. Public library or museum.
- d. Offices for accountants, bookkeepers, attorneys, engineers, architects, doctors, dentists, real estate, and insurance.
- e. Medical or dental clinic.
- f. Studios and galleries for artists, photographers and interior decorators.
- g. Home occupation conducted as an accessory use of the residential dwelling, limited to a use permitted by this section.

3. Lot Size. In a C-3 Zone, the following minimum lot sizes shall apply:

- a. For a single-family dwelling, the minimum lot size shall be 5,000 square feet.
- b. For a two-family dwelling, the minimum lot size shall be 7,500 square feet.
- c. For a multi-family dwelling having one story, the minimum lot size shall be 7,500 square feet plus 1,500 square feet for each dwelling unit over two (2).
- d. For a multi-family dwelling having more than one story, the minimum lot size shall be 7,500 square feet plus 1,000 square feet for each dwelling unit over two (2).
- e. For all other permitted uses, the minimum lot size shall be 5,000 square feet.

- c. No non-residential use or multi-family dwelling use permitted by this section shall require the backing of traffic onto a public street or alley right-of-way to accommodate ingress or egress to any premises.
- d. There shall not be more than one ingress and one egress from any property accommodating a use permitted by this section.
- e. No use shall be permitted if it will cause sound, noise, vibration, odor or flashing perceptible without instruments more than 200 feet from the boundaries of the originating premises.

7. Site Design. In a C-3 Zone, the site design of any permitted use shall make the most effective use reasonably possible of existing structures and landscaping, building placement, ingress and egress, additional landscaping and screening, and other site improvements to minimize the effects and intrusions into the character of existing developments and land uses in the immediate area.

8. Additional Standards and Requirements. In approving a multi-family residential or non-residential use in a C-3 Zone, the Commission may require additional standards and requirements considered necessary to protect the best interests of the surrounding and adjacent area. Such may include, but is not limited to the following:

- a. Additional lot size or setback requirements.
- b. Limitations on the placement of structures and the heights thereof.
- c. Limitations on vehicular parking areas and ingress and egress.
- d. Limitations on the placement and type of signs.
- e. Require additional landscaping and screening.

Section 3.070. NEIGHBORHOOD COMMERCIAL ZONE, C-4. In a C-4 Zone, the following regulations shall apply:

1. Uses Permitted Outright. In a C-4 Zone, the following uses and their accessory uses are permitted outright:

- a. General merchandise, grocery store, delicatessen, meat market or bakery.
- b. Artist, book, music, photography, stationery store or gallery.
- c. Dressmaking, tailor shop or shoe repair shop.
- d. Drug, sundry variety or hobby store.
- e. Florist or gift shop.

a street or road right-of-way) of structures used for non-residential purposes.

- b. No use shall be permitted which is likely to generate more than 15 auto trips both to and from the premises during the busiest hour of the day, or more than 100 auto trips daily both to and from the premises unless directly served by an arterial or collector street.
- c. No use shall be permitted which is likely to generate more than 25 auto trips both to and from the premises during the busiest hour of the day or more than 200 auto trips both to and from the premises daily.
- d. All parking demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street; minimum standards for off-street parking requirements shall be in accordance with the provisions of this ordinance.
- e. No use permitted by this section shall require the backing of traffic onto a public or private street, road or alley right-of-way to accommodate ingress to any use or the premises thereof.
- f. There shall not be more than one ingress and one egress from properties accommodating uses permitted by this section per each 300 feet of street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- g. All uses permitted by this section shall be screened from abutting residential uses by densely planted trees and shrubs or sight-obscuring fencing.
- h. No use shall be permitted if it will cause sound, noise, vibration, odor or flashing perceptible without instruments more than 200 feet from the boundaries of the originating premises.
- i. No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. except as approved by the Commission.

4. Dimensional Standards. In a C-4 Zone, the following dimensional standards shall apply to all uses:

- a. No use permitted by this section, including buildings, storage areas or facilities, and required parking area, shall exceed more than 70% of the land area designed for such use.
- b. The minimum building setback from a street right-of-way

2. Conditional Uses Permitted. In a C-5 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 6 of this ordinance:

- a. Laundromats or clothes cleaning establishments.
- b. Recreation vehicle sales and service including boats, travel trailers, motorcycles, and snowmobiles, etc.
- c. Church.
- d. Public or private school, kindergarten, or childrens day nursery.
- e. Public or private park, playground, golf course and driving range, pitch'n'putt golf, miniature golf, and similar recreational facility excluding an amusement park.
- f. Automobile and other recreation vehicle gasoline service station.
- g. Eating or drinking establishment, excluding drive-in restaurant, provided that for any establishment serving alcoholic beverages the primary business shall be a cafe or restaurant.
- h. Traveler's accommodation facilities including motels, campgrounds, and overnight trailer parks.
- i. Home occupation conducted in an existing dwelling or in a structure accessory to the dwelling provided that all other limitations on home occupations are complied with.

3. Use Limitations. In a C-5 Zone, permitted uses shall be subject to the following limitations:

- a. No use shall be located on a parcel or lot which is within 800 feet of three or more residential dwelling structures unless also within 400 feet (measured along a street or road right-of-way) of structures used for non-residential purposes.
- b. No use shall be permitted which is likely to generate more than 15 auto trips both to and from the premises during the busiest hour of the day, or more than 100 auto trips daily both to and from the premises unless directly served by an arterial or collector street.
- c. No use shall be permitted which is likely to generate more than 25 auto trips both to and from the premises during the busiest hour of the day, or more than 200 auto trips both to and from the premises daily.
- d. All parking demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street; minimum

5. Site Design. In a C-5 Zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from the public ways, minimize visibility of parking areas from public ways, and minimize intrusion into the character of existing developments and land uses in the immediate area.

6. Use Criteria. In addition to the standards and regulations set forth by this section relative to a permitted use under this section, and in addition to standards and regulations that may be set forth by Article 6 or other sections of this ordinance relative to a specific use, the following criteria shall be considered by the Commission in approving or denying an application for a use permitted under this section:

- a. An application for a use permitted by this section shall be denied if, in the findings of the Commission, the proposed use is not related to or sufficiently dependent upon the recreational resources of the City.
- b. An application for a use permitted by this section shall be denied if the applicant fails to demonstrate that the proposed location is essential relative to the recreation sector to be served and to the benefit of the general public relative to the full development of the recreational resources of the City.
- c. An application for a use permitted by this section shall be denied if not declared to be in compliance with the applicable Comprehensive Plan policies and use designations.

6. Use Criteria. In addition to the standards and regulations set forth by this section relative to a permitted use under this section, and in addition to standards and regulations that may be set forth by Article 6 or other sections of this ordinance relative to a specific use, the following criteria shall be considered by the Commission in approving or denying an application for a use permitted under this section.

- a. An application for a use permitted by this section shall be denied if, in the findings of the Commission, the proposed use is not related to or sufficiently dependent upon the recreational resources of the City.
- b. An application for a use permitted by this section shall be denied if the applicant fails to demonstrate that the proposed location is essential relative to the recreation sector to be served and to the benefit of the general public relative to the full development of the recreational resources of the City.
- c. An application for a use permitted by this section shall be denied if not declared to be in compliance with the applicable Comprehensive Plan policies and use designations.

Section 3.090. LIMITED INDUSTRIAL ZONE, M-1. In a M-1 Zone, the following regulations shall apply:

1. Uses Permitted Outright. In a M-1 Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection (3) of this section.

- a. Retail, wholesale or service business establishments except a use set forth in subsection (2) and subject to the limitations set forth in subsection (3) of this section.
- b. Farming.
- c. Residence for caretaker or night watchman on property with an existing industrial use.
- d. Freight depot.
- e. Contractor's or building materials business, and other construction related businesses including plumbing, electrical, roofing, siding, etc., provided such is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight obscuring fencing.
- f. Ice or cold storage plant.
- g. Wholesale distribution outlet, including warehousing, but excluding open outside storage.
- h. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight obscuring fencing.

- k. Lumber and other wood products manufacturing.
- l. Agricultural products storage and processing plants.
- m. Any use permitted by subsection (1) of this section which is proposed to exceed or expected to exceed the following standards:
 - (1) Occupy more than 70% of the land area designed for said use.
 - (2) Require more than one (1) acre of land area.
 - (3) Generate more than 20 truck-trailer or other heavy equipment trips to and from the premise during the busiest hour of the day.
 - (4) Generates any odor, dust, fumes, glare, flashing lights or noise which is perceptible 500-feet from the property line of the subject use without instruments.
- n. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semi-precious stone or metal, wax, wire, wood, rubber, yarn and similar materials provided such uses do not create a nuisance because of odor, noise, dust, smoke, gas, traffic or other factors.

3. Use Limitations. In a M-1 Zone, the following limitations and standards shall apply to all permitted uses:

- a. No use permitted under the provisions of this section that requires a lot area exceeding 9,000 square feet shall be permitted to locate adjacent to an existing residential dwelling, a residential lot in a duly platted subdivision, or a lot in a residential zone.
- b. No use permitted under the provisions of this section that generates more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.
- c. No use permitted under the provisions of this section shall be permitted that generates more than 20 auto-truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector, or other improved street or road designed to serve the industrial use only and does not pass through or adjacent to residential uses.
- d. For any use permitted by this section on a lot adjacent to or across the street from a residential use or lot, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible

- d. The minimum setback between a structure and a property line abutting a lot in a residential zone shall be 50 feet.
- e. The minimum setback between a structure and an existing use permitted by this section shall be 3 feet from the property line and at least 6 feet from a structure on the adjoining property.
- f. The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be 30 feet on any lot adjacent to or across the street from a lot in a residential zone, 45 feet on any other lot.
- g. The minimum lot frontage shall not be less than 50 feet.

5. Sign Limitations. In addition to standards set forth by this ordinance relative to signs, in a M-1 Zone, the following sign limitations shall be applicable:

- a. For any use permitted by this section, the total area of all signs shall not exceed 100 square feet, no free-standing sign shall exceed 32 square feet and a height of 12 feet, no sign exceeding 10 square feet in area and 2 feet in height shall be located upon the roof of any building, no sign shall exceed 15% of the area of the wall it is attached to, no sign shall be located within or protrude into a street right-of-way, and no sign shall flash or move, or be illuminated between the hours of 11:00 P.M. and 7:00 A.M.
- b. On any premises accommodating a use permitted by this section, there shall not be more than one free-standing sign, plus not more than one building sign per business or other enterprise.

6. Off-Street Parking and Loading. In an M-1 Zone, off-street parking and loading shall be provided in accordance with the provisions of this section and section 4.040.

7. Site Design. In a M-1 Zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

8. Design and Use Criteria. In the consideration of an application for a proposed use in a M-1 Zone, the Commission shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the Commission shall find that:

- g. Welding, sheet metal or machine shop.
- h. Construction related business, warehousing, storage, sales, and distribution; including open storage.
- i. Veterinary clinic or kennel.
- j. Government buildings including armories, maintenance, repair or storage facilities including open storage.
- k. Concrete or concrete products manufacturing and distribution.
- l. Lumber manufacturing and wood processing, except pulp and paper manufacturing.
- m. Petroleum products storage and distribution.
- n. Agricultural products processing, storage and distribution.
- o. Compounding, packaging, storage and distribution of cosmetics, drugs, perfumes, pharmaceuticals, soaps or toiletries, etc., including refining or rendering of fats and oils.
- p. Manufacture, repair or storage of ceramic products, musical instruments, novelties, toys, optical goods, scientific or electronic supplies and equipment, business machines, boats, mobile and modular homes, furniture, signs and similar manufacturing.
- q. Processing, packaging and storage of foods or beverages including distillation, fermentation, rendering of fats or oils, and slaughtering.
- r. Railroad trackage and related facilities including railroad equipment manufacturing and repair.
- s. Quarry, gravel pit, subsurface or surface mining, including crushing, screening and washing of extracted materials.
- t. Manufacture, repair or storage of articles from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, metal, wax, wire, wood, rubber, yarn, and similar materials.
- u. Livestock sales yard and slaughter house.
- v. Land development.

2. Conditional Uses. In a M-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 6 of this ordinance.

- a. The resumption, by replacement of a residential use where the subject use has previously been conducted and the structure has not been removed for a period exceeding six months.
- b. Public or semi-public use.

- f. No use permitted by this section shall require the backing of traffic onto a public or private street or road right-of-way to accommodate ingress or egress to any use or the premises thereof.
- g. There shall not be more than one ingress and one egress from properties accommodating uses permitted by this section per each 300 feet of street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- h. All uses permitted by this section shall be screened from abutting residential uses in residential zones by densely planted trees and shrubs or sight-obscuring fencing.
- i. No use shall be permitted which has been declared a nuisance by statute or action of the City or by a court of competent jurisdiction; and, for uses requiring contaminant discharge permits, no such use shall be approved by the Commission prior to review by the applicable permit reviewing authority nor shall such uses be permitted adjacent to or across the street from a residential use or lot.

4. Dimensional Standards. In a M-2 Zone, the following dimensional standards shall apply:

- a. The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading, and as deemed necessary by the Commission to maintain air, water and land resource quality and to protect adjoining and area land uses.
- b. No use permitted by this section which is located adjacent to or across the street from a residential use or lot in a residential zone shall exceed more than 70% of the land area designed or intended for such use including buildings, storage areas or facilities, and required off-street parking and loading area.
- c. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies or criteria.
- d. The minimum setback between a structure and a property line abutting a residential lot or use shall be 50 feet.
- e. The minimum setback between a structure and an existing use permitted by this section shall be 3 feet from the property line and at least 6 feet from a structure on the adjoining property.
- f. The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be 30 feet on any lot adjacent to or across the street

- a. An increase in required setbacks.
- b. Additional off-street parking and loading facilities.
- c. Limitations on signs or lighting, time of operations, and points of ingress and egress.
- d. Additional landscaping, screening and other improvements.
- e. Any other conditions considered necessary to achieve compliance with the intent and purposes of this ordinance and policies of the Comprehensive Plan.

10. Site Plan Review. In a M-2 Zone, a use permitted shall be subject to the provisions of this section. Before a new building may be constructed or an existing building enlarged or substantially altered, a site development plan shall be submitted to the Planning Department for approval. Construction and development of the site shall be in substantial conformance with plans approved by the Planning Department, and the provisions of this section, this ordinance, and the Comprehensive Plan.

Section 3.110. FLOOD PLAIN COMBINING ZONE, (FP). In any zone which is a combined (FP) Zone, the requirements and standards of this section shall apply in addition to those herein specified for such zone previously, provided that if a conflict in regulations or standards occurs, the provisions of this section shall govern.

1. Application of Provisions. The provisions of this section shall apply to all areas of special flood hazards within the jurisdiction of the City. The areas of special flood hazard identified by the Federal Insurance Administration and set forth in Flood Hazard Boundary Maps dated August 16, 1977, are hereby adopted by reference and declared to be a part of this ordinance, and, thereof, the provisions of this section shall apply to all flood hazard areas identified by said maps.

2. Uses Permitted Outright. In a zone with which the (FP) Zone is combined, the following uses are the only uses permitted outright, and these uses are permitted only if such uses are permitted in the zone with which the (FP) Zone is combined and otherwise conform to the regulations for the primary zone.

- a. Agricultural use conducted without locating a structure in the zone except for a boundary fence that is designed to impede as little as possible the movement of flood waters and flood-carried material.
- b. Industrial or commercial use that does not require a structure other than surfacing at ground level such as for a loading area, parking area, or that requires only temporary structures that will not be in the zone during the period of annual flood risk.
- c. Recreational use that requires no structures or only structures that would have an insignificant effect on flood waters such as structures associated with a golf course without related buildings, tennis court, driving range, archery range, picnic grounds, boat

an application for a use or development permitted in the zone with which the (FP) Zone is combined and that is not permitted by subsection (2) of this section, the property shall be classified into portions in the floodway, portions in the floodway fringe, and portions in the flood plain. Such classification shall be completed by the Planning Department and such classification is only appealable to the Commission. The applicant shall provide information needed to make the classification and determine the severity of the potential flood conditions including but not limited to the following:

- a. The location of the property with reference to channel stations and flood profile elevations.
- b. The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and for areas immediately adjacent to a stream, two-foot for ground slopes between five and ten percent, and five-foot for greater slopes.
- c. The location of existing and proposed diking or revetments, if any.
- d. In the case of a multi-family residential use or subdivision, profiles of the ground surface perpendicular to and extending in both directions from the stream to an elevation above the probable base flood elevation near the upstream and downstream boundaries within the development, at least one for each 1,000 feet of stream centerline, and to a point at least 2,000 feet below the downstream boundary of the development.
- e. In the case of a multi-family residential use or subdivision, engineering data related to the base flood showing the magnitude in cubic feet per second, flood profiles, and the floodway and flood plain boundaries with the development.

7. Structural Elevation Data Required.

- a. An application for a building permit for a new or substantially improved structure or for a mobile home installation permit within a (FP) combined zone shall contain the following data referenced to mean sea level:
 - (1) The level of the lowest habitable floor and of any basement floor whether or not intended to be habitable.
 - (2) The level to which the structure is to be flood--proofed, if applicable.
- b. A statement shall accompany the elevation data noting whether or not the structure contains a basement.
- c. The information required by this subsection shall be maintained in the files of the Building Department with the subject building permit.

- (2) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points except that a mobile home less than 50 feet long need have only four additional ties per side.
- (3) All components of the anchoring system, including ties, shall be capable of carrying a force of 4,800 pounds.

9. Land Development Standards in a Flood Hazard Area.

- a. In addition to compliance with subsections (10) and (11) of this section, a subdivision or other new land development within a flood hazard area shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.
- b. A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood carrying capacity of the watercourse.
- c. A subdivision proposal or other proposed new land development greater than either 50 lots or 5 acres shall include data showing the base flood elevation.

10. Additional Mobile Home Land Development Standards.

- a. Except in the locations described in subsection (10)(b) below, a site for a mobile home that is in flood hazard area shall comply with the following:
 - (1) The mobile home stand on the site shall be elevated on compacted fill or on pilings so that the floor of the mobile home will be one foot above the base flood elevation level.
 - (2) Adequate surface drainage shall be provided.
 - (3) Access for a hauler shall be provided.
 - (4) If the mobile home stand is elevated on pilings, the stand shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than 10 feet apart and lateral reinforcement shall be provided for pilings extending more than six feet above ground level.
- b. Provisions of subsection (10)(a) are not applicable to a mobile home site in an existing mobile home park or in an existing subdivision which by deed restriction limits the use of lots to the installation of mobile homes provided that continuously since prior to the effective date of this ordinance, the site has had the following improvements:

the water elevation in the subject floodway.

13. Regulations Not a Guarantee. The degree of flood protection afforded by the provisions of this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods than those anticipated by these provisions may occur on occasion or the flood height may be increased by human or natural causes, such as log jams or bridge openings restricted by debris. The identification of areas subject to flooding pursuant to the provisions of this ordinance does not imply that lands outside such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City or any officer or employe thereof for any flood damages that result from reliance on the provisions or designations of this ordinance or any administrative decisions lawfully made thereunder.

14. Technical Variances. A technical variance for hardship relief from the requirements of this section may be granted by the Commission for new construction and for improvements to existing structures which could not otherwise be authorized, provided the construction or improvements are to be erected or installed on a parcel of land of one-half acre or less in size, contiguous to and more or less surrounded by lots with existing structures constructed below the minimum floor elevation established for flood protection purposes. A parcel of land in excess of the one-half acre that is in one ownership on the effective date of this ordinance is not excluded from the granting of a technical variance, but the justification required for issuing the variance increases as the size of the property under one ownership increases and shall be granted only if required to equalize circumstances, considering previously developed land adjacent to the parcel for which a variance could be sought.

15. Historic Variance. A variance for historic preservation may be granted for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

16. Hardship Variance. A hardship variance as described in subsection (14) or as necessary to protect an owner's constitutional right to use property shall be granted upon finding all of the following:

- a. There is a good and sufficient cause due to no fault of the applicant.
- b. Failure to grant the variance would result in exceptional hardship to the applicant.
- c. The variance is the minimum necessary, considering the flood hazard, to afford relief.

17. Evaluation of Variance Applications. In reviewing an application for a variance, the Commission shall consider technical evaluations, standards specified in other sections of this ordinance, other relevant factors and each of the following:

- a. The danger that materials may be swept onto other lands to the injury of others.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

Section 4.010. ACCESS-MINIMUM LOT FRONTAGE. Every lot shall abutt a street, other than an alley, for at least 50 feet.

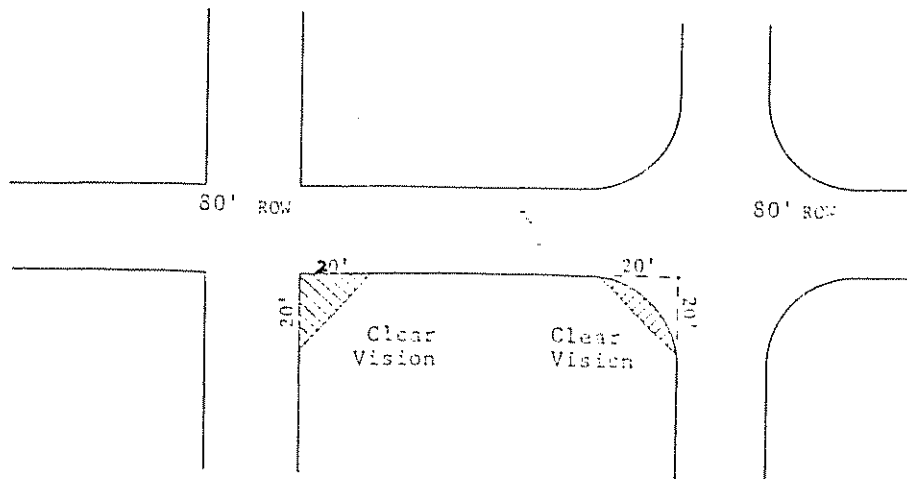
Section 4.020. ESTABLISHMENT OF CLEAR-VISION AREAS. In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.

Section 4.030. MEASUREMENT OF CLEAR VISION AREA. A clear-vision area shall consist of a triangular area two sides of which are lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish clear-vision areas within the City.

- a. In an industrial zone the minimum distance shall be 30 feet, or, at intersections including an alley-10 feet.
- b. In all other zones the minimum distance shall be in relationship to street and road right-of-way widths

<u>ROW Width</u>	<u>Clear Vision Measurement</u>
80 feet and more	20 feet
60 feet	30 feet
50 feet	40 feet

See illustration below:



3. Institutional

- a. Welfare or correctional institution. One space per six beds for patients or inmates.
- b. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged. One space per four beds for patients or residents.
- c. Hospital. One and one-half spaces per bed.

4. Place of Public Assembly

- a. Church. One space per six seats or eight ft. of bench length in the main auditorium, or one space for each 75 sq. ft. of floor area of main auditorium not containing fixed seats.
- b. Library, reading room. One space per 400 sq. ft. of floor area plus one space per two employes.
- c. Pre-school nursery, kindergarten. Two spaces per teacher.
- d. Elementary or junior high school. One space per classroom plus one space per administrative employee or one space per four seats or eight feet if bench length in the auditorium or assembly room, whichever is greater.
- e. High school, college, commercial school for adults. One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater.
- f. Other auditorium meeting room. One space per six seats or eight ft. of bench length, or one space for each 75 sq. ft. of floor area for assembly room not containing fixed seats

5. Commercial Amusement

- a. Stadium, arena, theater. One space per four seats or eight feet of bench length.
- b. Bowling alley. Five spaces per alley plus one space per two employes.
- c. Dance hall, skating rink. One space per 100 sq. ft. of floor area plus one space per two employes.

2. Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirement.

3. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

4. Owners of two or more uses, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases, or contracts to establish the joint use.

5. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located within a reasonable walking distance from the building or use they are required to serve, measured in a straight line from the building.

6. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employes only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conduction the business or use.

Section 4.060 DESIGN AND IMPROVEMENT STANDARDS FOR PARKING LOTS.

1. For those uses which require off-street parking, a plan drawn to scale indicating how the off-street parking and loading requirements is to be fulfilled, shall accompany the application for site plan review or conditional use permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

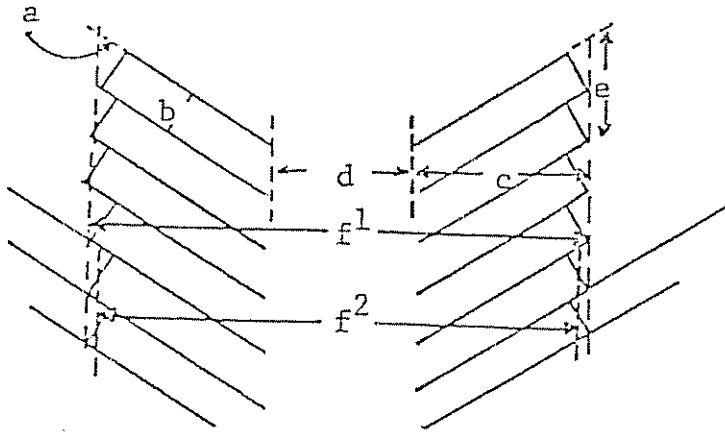
- a. Delineation of individual parking spaces.
- b. Circulation area necessary to serve spaces.
- c. Access to streets, alleys, and properties to be served.
- d. Curb cuts.
- e. Dimensions, continuity and substance of screening.
- f. Grading, drainage, surfacing and subgrading details.
- g. Delineations of all structures or other obstacles to parking and circulation on the site.

2. Unless otherwise authorized, required parking spaces shall be improved and available for use at the time of final building inspection.

3. Except for a single or two-family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard

a	b	c	d	e	f ¹	f ²
parking angle	stall width	stall to curb (19' long stall)	aisle width	curb length per car	center-to-center width of two-row bin with access road between curb-to-curb overlap c-c	
0°	8'6"	8.5	12.0	23.0	29.0	-
20°	8'6"	14.5	11.0	24.9	40.0	32.0
30°	8'6"	16.9	11.0	17.0	44.8	37.4
40°	8'6"	18.7	12.0	13.2	49.4	42.9
45°	8'6"	19.4	13.5	12.0	52.3	46.3
50°	8'6"	20.0	12.5	11.1	52.5	47.0
60°	8'6"	20.7	18.5	9.8	59.9	55.6
70°	8'6"	20.8	19.5	9.0	61.1	58.2
80°	8'6"	20.2	24.0*	8.6	64.4	62.9
90°	8'6"	19.0	25.0*	8.5	63.0	-

* Two-way circulation



Section 4.070. SIGN LIMITATIONS AND REGULATIONS. "See Sign Ordinance No. 824- Sign Code" adopted November 27, 1979.

Section 4.080. AUTHORIZATION OF SIMILAR USES. The Planning Commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion in a zone where it is not listed as a use, specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Section 4.090. GENERAL PROVISIONS REGARDING ACCESSORY USES. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

ARTICLE 5. EXCEPTIONS

Section 5.010. NONCONFORMING USES.

1. Subject to the provisions of ORS 215.130(5) and the provisions of this section, a nonconforming use or structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.
2. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
3. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
4. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any natural cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor and is not returned to use and in actual operating condition within one year from the date of destruction, a future structure or use on the site shall conform to this ordinance.
5. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued by the county and construction has commenced prior to the adoption of this ordinance provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

Section 5.020. GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS. If a lot or the aggregate of contiguous lots held in a single ownership, as recorded in the office of the county clerk at the time of the passage of this ordinance, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirement of the zone.

Section 5.030. LOT EXCEPTIONS, SPECIAL. In any zone, the stated minimum lot area for residential purposes may be abolished by ruling of the Planning Commission, provided that it is replaced by a maximum gross density of equal restrictiveness. For example, given an undeveloped five acre parcel in a Residential Zone, whether or not subdivided or under one ownership, the Planning Commission may rule on a request that, instead of five houses on one-acre lots, there may be a cluster of five houses on a small plot of ground and the remainder

Section 5.080. ZONE BOUNDARIES. If a zone boundary as shown on the Zoning Map divides a lot between two zones, the entire lot shall be deemed to be in the zone which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.

Section 5.080. ZONE BOUNDARIES. If a zone boundary as shown on the Zoning Map divides a lot between two zones, the entire lot shall be deemed to be in the zone which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.

2. Establishing a special yard or other open space or lot area or dimension.
3. Limiting the height, size or location of a building or other structure.
4. Designating the size, number, location and nature of vehicle access points.
5. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.
7. Limiting or otherwise designating the number, size, location, height and lighting of signs.
8. Limiting the location and intensity of outdoor lighting and requiring its shielding.
9. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
10. Designating the size, height, location and materials for a fence.
11. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
12. Other conditions necessary to permit the development of the City in conformity with the intent and purpose of this ordinance and the policies of the Comprehensive Plan.

Section 6.040. PERMIT AND IMPROVEMENTS ASSURANCE. The Commission may require an applicant to furnish the City with a performance bond or such other form of assurance that the Commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

Section 6.050. STANDARDS GOVERNING CONDITIONAL USES. A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in this subsection.

1. Airports, aircraft landing fields, aircraft charter, rental, service and maintenance facilities not located in an Airport Approach Zone: The Planning Commission shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, nor that the location will unnecessarily restrict existing and future development of surrounding lands as designated by the Comprehensive Plan.

2. Automobile wrecking yard or junk yard: In considering a conditional use application for an automobile wrecking yard or

junk yard, the Commission shall require that it be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height. If applicable, the Commission shall be assured that the proposal is in conformance with applicable State regulations.

3. Cemeteries: The Commission shall require evidence and shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect of ground water sources or domestic water supplies in the area of the proposed use.

4. Church, hospital, nursing home, convalescent home, retirement home:

- a. Such uses may be authorized as a conditional use only after consideration of the following factors:
 - (1) Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).
 - (2) Location of the site relative to the service area.
 - (3) Probable growth and needs therefore.
 - (4) Site location relative to land uses in the vicinity.
 - (5) Adequacy of access to and from principal streets together with the probable effect on the traffic volumes of abutting and nearby streets.
- b. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.
- c. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

5. Clinics, clubs, lodges, fraternal organizations, community centers, and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Planning Commission may authorize the conditional use after assurance that the following is to be provided:

- a. Adequate access from principal streets.
- b. Adequate off-street parking.
- c. Adequate building and site design provisions to minimize noise and glare from the building and site.

9. Mining, quarrying, or other extraction activity:

- a. Plans and specifications submitted to the Planning Commission for approval must contain sufficient information to allow the Planning Commission to consider and set standards pertaining to the following:
 - (1) The most appropriate use of the land.
 - (2) Setback from the property line.
 - (3) The protection of pedestrians and vehicles through the use of fencing and screening.
 - (4) The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.
 - (5) The prevention of the collection and the stagnation of water at all stages of the operation.
 - (6) The rehabilitation of the land upon termination of the operation.
- b. Surface mining equipment and necessary access roads shall be constructed, maintained and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which may be injurious or annoying to persons or other uses in the vicinity.
- c. The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.
- d. A rock crusher, washer or sorter shall not be located closer than 500 feet from a residential or commercial zone.

10. Commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone. In any zone permitting a commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone may be permitted as a conditional use subject to the following standards:

- a. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when in its judgement, such a fence or hedge combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
- b. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values

- e. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building or structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
- f. A mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official.
 - (1) It shall have a state insigne indicating compliance with Oregon state mobile home construction standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.
 - (2) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the mobile home shall meet the state standards for mobile home construction evidenced by the insigne.
 - (3) It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
 - (4) It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.
- g. A mobile home permitted in the park shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet state standards for tiedown devices.
- h. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
- i. The land which is used for park purposes shall be surrounded, except at entry and exit places, but a sight-obscuring fence or hedge not less than six feet in height. The fence or hedge shall be maintained in a neat appearance.
- j. If the park provides space for 50 or more mobile home units, each vehicular way in the park shall be named and marked with signs which are similar to appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
- k. If a mobile home space or permanent structure in a park is more than 500 feet from a public fire hydrant, the park shall have water supply mains desinged to serve fire

designed and improved to provide (at least than one parking space per each two unit spaces in the park).

- r. No mobile home park shall be created on a site less than one acre.
- s. Sidewalks or other approved surfaced pedestrian walkways shall be provided.

13. Multi-Family Dwelling Complex. A multi-family dwelling complex shall comply with the following additional provisions:

- a. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:
 - (1) If dedication open space which is developed and landscaped equals 50% or more of the total areas of the site, a maximum 10% increase in the number of units may be granted.
 - (2) If in addition to (1) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased 5%.
 - (3) If in addition to (1) and (2) an approved recreation/community building is provided, an additional 10% increase of units may be granted. (Maximum total increase possible is 25%)
- b. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
- c. If such a complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- d. A minimum of at least 2,500 square feet plus 100 square feet per dwelling unit shall be provided for a recreational play area, group or community activities. Such area shall be improved with grass, plantings, surfacings, equipment or buildings suitable for recreational use. The Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent. (No play area is required if more than 70% of the development site is preserved as open space and is sufficiently developed and landscaped)
- e. All such complexes with more than 20 dwelling units shall be located so as to have access on a street designated as a collector unless otherwise approved by the Commission.
- f. All such complexes shall provide both an ingress and egress.

such capacity that there is no uncovered accumulation of trash at any time.

- g. No recreation vehicle shall remain the the park for more than 30 days in any 60-day period.
 - h. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employes of the park, shall be equal to one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
 - i. The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each 15 recreation vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and one toilet, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
 - j. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreation vehicle spaces or any fraction thereof, unless such facilities are available within a distance of 3 miles and are adequate pursuant to these standards.
 - k. Building spaces required by subsections (14)(i) and (14)(j) shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68° (F), shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.
 - l. Except for the access roadway into the park, the park shall be screened on all sides by a sight obscuring hedge or fence not less than six feet in height.
 - m. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
 - n. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
15. Radio, television tower, utility station, or substation:
- a. In a residential zone, all equipment storage on the site may be within an enclosed building.
 - b. The use may be fenced and provided with landscaping.

a requirement for any use authorized by a conditional use permit for which the ordinance requires on-site or off-site improvements or where such conditions have been established by the Commission upon approval of such use. The requirement of an Occupancy Permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Commission. The authority to issue an Occupancy Permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the Commission to the secretary of the Commission, the Planning Director, or the Building Official.

ARTICLE 7. VARIANCES

Section 7.010. AUTHORIZATION TO GRANT OR DENY VARIANCES. The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance 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, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

Section 7.020. CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be granted only in the event that all of the following circumstances exist:

1. 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 ordinance have had no control.
2. 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.
3. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
4. The variance requested is the minimum variance which would alleviate hardship.

Section 7.030. PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION. The procedure for taking action on an application for a variance shall be as follows:

1. A property owner may initiate a request for a variance by filing an application with the Planning Department, using forms prescribed pursuant to Section 9.040. Application shall be filed 21 days prior to the Planning Commission meeting.
2. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in Section 9.050.
3. Within five days after a decision has been rendered with reference to a variance application, the Planning Director shall provide the applicant with written notice of the decision of the Commission.

ARTICLE 8. AMENDMENTS

Section 8.010. AUTHORIZATION TO INITIATE AMENDMENTS. An amendment to the text of this ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Department using forms prescribed pursuant to Section 9.040, at least 21 days prior to the Planning Commission meeting.

Section 8.020. PUBLIC HEARINGS ON AMENDMENTS. The Planning Commission shall conduct two (2) public hearings on the proposed amendment within 60 days after the amendment is proposed and shall, within 5 days after the second hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

Section 8.030. RECORD OF AMENDMENTS. The City shall maintain records of amendments to the text and zoning map of the ordinance in the offices of the City Administrator, Planning Director and in the office of the County Clerk.

Section 8.040. LIMITATIONS ON REAPPLICATIONS. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial application; if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it, however, the Planning Commission may permit a new application.

surrounding area; and such other information as is needed to determine conformance with this ordinance.

Section 9.050. ADMINISTRATIVE APPROVALS.

1. An applicant who is subject to the site review process shall submit to the Planning Director the necessary documents as required by this section and other applicable sections of this ordinance.
2. The Planning Director, or his designee, shall review all drawings, plans and specifications submitted for review. If the Planning Director finds that they meet all other requirements of this ordinance, he shall then give staff approval. The Director shall make a decision within five (5) working days upon receiving an application.
3. A decision of the Planning Director may be appealed to the Planning Commission by the aggrieved party. The appeal shall be filed in writing within seven (7) days after the Director has rendered a decision.
4. If an appeal is filed, the matter shall be placed on the agenda for the next regularly scheduled Commission hearing. The Commission shall consider the appeal and shall affirm, modify and affirm, or reverse the decision of the director.
5. Site review approved shall be void after two (2) years unless a building permit has been issued and substantial construction has taken place.

Section 9.060. PUBLIC HEARINGS.

- a. Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least 10 days prior to the date of hearing.
- b. In addition, a notice of hearing on a conditional use, a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property for which the variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least 10 days prior to the date of hearing.
- c. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- d. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.
- e. The Planning Commission and the City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.
- f. General Rules for Hearings.
 - (1) The Hearing Body is conducting the hearing in a quasi-judicial capacity; there shall be no audience demonstration or other conduct which would disrupt the hearing.
 - (2) Persons may speak only after being recognized by the Chair and must state their full name and address for the record.
 - (3) The Hearing Body will consider only testimony and information that is relevant to the issue of the requested change, and will not allow immaterial or repetitious testimony.
- g. Burden and Criteria.
 - (1) The proponent of the application or permit has the burden of proving justification for its approval; the more drastic the request, or the greater the impact of the application or permit on the neighborhood, area, or City, the greater is the burden on the proponent.

- j. Recess of hearing. The Hearing Body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 9.070. HEALTH DEPARTMENT APPROVAL. No zoning permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system from the County Health Department.

Section 9.080. FILING FEES. An application required by this ordinance shall be accompanied by a filing fee in an amount as set forth by this section as follows:

Conditional Use Permit.....	\$ 25.00
Variance Application.....	\$ 25.00
Zone or Text Amendment.....	\$100.00
Appeal to the Commission.....	\$ 25.00
Appeal to the City Council.....	\$100.00
Site Plan Review.....	\$ 25.00

exercised contrary to the terms or conditions of such approval, or in violation of any statute, resolution, code, law or regulation.

- e. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. or so as to constitute a nuisance.
 - f. Any permit granted pursuant to this ordinance becomes null and void if not exercised within the time specified in such permit or if no date is specified, within one year from the date of approval of said permit.
2. The Planning Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and to other owners of property as set forth in this ordinance. The Planning Commission shall render its decision within 30 days after the conclusion of the hearing. In case the permittee is not satisfied with the action of the Commission, he may appeal the Planning Commission decision to the City Council in the manner provided in Section 9.030.

Section 10.040. It being deemed by the City Council of the City of Prineville that an emergency exists, this ordinance shall be in full force and effect from and after its passage and approval by the City Council and Mayor.

Passed by the City Council this 22nd day of August, 1978.

Approved by the Mayor this 22nd day of August, 1978.



Nello Giovanini, Mayor

Attest: Marge Leubus
City Administrator

9/6/78
Date

Officially recorded this 7th day of Sept, 1978.

Grace G. Bannon - By Ann Barnes
County Clerk Deputy Clerk
County of Crook
State of Oregon