

C I T Y O F P I L O T R O C K

ORDINANCE NO. 490

AN ORDINANCE ADOPTING THE CITY OF PILOT ROCK
ZONING ORDINANCE, REPEALING ORDINANCE NO. 379
AND DECLARING AN EMERGENCY.

THE CITY OF PILOT ROCK ORDAINS AS FOLLOWS:

ARTICLE 1. INTRODUCTORY PROVISIONS

1.10 Title. This Ordinance together with the zoning map attached hereto as Appendix A shall be known as the Zoning Ordinance of the City of Pilot Rock, Oregon.

1.20 Purposes. This ordinance is enacted for the purpose of promoting the public health, safety, and welfare; to encourage the most appropriate use of property within the city; to stabilize and protect the value of property; to provide adequate light and air; to prevent overcrowding; to lessen traffic congestion; to facilitate adequate and economical provisions for public improvements, all to implement the Comprehensive Plan of the City of Pilot Rock, to provide a method of administration and to provide penalties for violations of the provisions herein.

1.30 Scope. No structure or lot shall hereinafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this Ordinance.

1.40 Zoning of Areas to be Annexed. Prior to the annexation of any land to the City of Pilot Rock, the Planning Commission shall determine, by reference to the Comprehensive Plan, the appropriate zoning for the property to be annexed. The zoning of the property to be annexed shall be in accordance with the Comprehensive Plan.

1.50 Compliance

- (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 dimensional requirement of this Ordinance shall be violated after its terms become effective unless specifically provided for herein.
- (3) 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 except as allowed by this Ordinance.
- (4) The requirements of this Ordinance apply to the person undertaking a development or the user of a development and to the person's successors in interest.

[NEW] 1.60 Development Permits

- (1) Prior to the construction, reconstruction, addition to or change of use of a lot, or the installation or

replacement of a mobile home on a lot, a development permit shall be obtained from the City. Within a flood hazard area, a development permit shall be required for all other development including mining, paving, excavation or drilling. A development permit shall be void after one year unless construction has commenced. The Planning Commission or its authorized agent may extend the permit for an additional period not to exceed one year upon written request.

- (2) Development permits shall be issued by the City Recorder or the authorized official for the City if one is designated by the City. The recorder or zoning official shall not issue a development permit for the improvement or use of land that has been divided or developed in violation of this or any other city ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development.

1.70 Definitions

- (1) Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- (2) Access Connection. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
- (3) Access Classification. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
- (4) Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
- (5) Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
- (6) Accessory Use or Structure. A use or structure incidental and subordinate to the main use of the property, located on the same lot with the main use.

- (7) Alley. A street through a block primarily for vehicular access to the back or side of property otherwise abutting on another street.
- (8) Alter. Any change, addition or modification in construction or occupancy of a building or structure.
- (9) Amendment. A change in wording, context or substance of this Ordinance, or a change in the zone of district boundaries or subdistrict boundaries upon the zoning map.
- (10) Amusement Establishment (commercial). An establishment engaged in providing amusement or entertainment for a fee or admission which may include structure's and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.
- (11) Base Flood. The flood that has a one percent chance of being equalled or exceeded in any single year as designated by the Flood Insurance Study and rate maps prepared by the Federal Insurance Administration for the City.
- (12) Basement. A portion of a building included between a floor with its level two feet or more below the level from which the height of the building is measured and the ceiling next above said floor.
- (13) Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.
- (14) Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.
- (15) Bikeway. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:
 - (A) MULTI-USE PATH. A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
 - (B) BIKE LANE. A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
 - (C) SHOULDER BIKEWAY. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

- (D) SHARED ROADWAY. A travel lane that is shared by bicyclists and motor vehicles.
- (E) MULTI-USE TRAIL. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.
- (16) Building. Any structure having a roof intended for the support, shelter or enclosure of any persons, animals, property or business activity.
- (17) Change in Use. Any use which substantially differs from the Previous use of a building or land.
- (18) City. The City of Pilot Rock, Oregon.
- (19) City Council. The City Council of the City of Pilot Rock, Oregon.
- (20) Comprehensive Plan. The comprehensive plan of the City of Pilot Rock, Oregon.
- (21) Conditional Use. An activity specified by this Ordinance as a principal or accessory use, permitted when authorized by the Planning Commission and/or City Council.
- (22) Corner Clearance. The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
- (23) Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
- (24) Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, land division, establishment or termination or a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, excavation or clearing.
- (25) Development Permit. Written authorization on approved city forms that a development is in compliance with this ordinance.
- (26) Dwelling, Multi-Family. A building containing three or more dwelling units.
- (27) Dwelling, Single-Family. A detached building containing one dwelling unit.
- (28) Dwelling, Temporary. A dwelling without any foundation or footings and which can be removed when the designated time period, activity or use for which the temporary dwelling was erected or placed has ceased.

- (29) Dwelling, Two-Family. A detached building containing two dwelling units.
- (30) Dwelling Unit. One or more rooms designed for occupancy by one Family, containing complete housekeeping facilities. For the purposes of this Ordinance, dwelling unit does not include mobile homes or recreational vehicles.
- (31) Easement. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.
- (32) Eave. The projecting lower edges of a roof overhanging the wall of-the building.
- (33) Existing Use. The use of a lot or structure at the time of enactment of this Ordinance (November 25, 1978).
- (34) Family. Two or more persons related by blood, marriage, legal adoption or guardianship, living together as one housekeeping unit, using one kitchen, and providing meals or lodging to no more than two additional unrelated persons, excluding servants; however, up to five additional unrelated persons may be allowed in the case of a foster care home, licensed by an appropriate state or county agency, or a group of not more than five unrelated persons living together as one housekeeping unit, using one kitchen.
- (35) Farming, Farm Use. The use of land for raising and harvesting crops, or for the feeding, breeding and management of livestock, or for dairying, or for any other agricultural or horticultural use, or any combination thereof, including disposal of such products by marketing or otherwise. Farming also includes the use and construction of buildings customarily used in the above activities.
- (36) Flood Hazard Area. The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or lake or, reservoir, which has been or may be covered by a Base Flood or Intermediate Regional Flood.
- (37) Flood Insurance Rate Map. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the county.
- (38) Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary and floodway maps, and the water surface elevation of the Base Flood.
- (39) Floodproofing. A combination of structural provisions, changes, or adjustment to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

- (40) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot.
- (41) Floor Area (gross). The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached porches and balconies, excluding open court yards and vent shafts.
- (42) Frontage Road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.
- (43) Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
- (44) Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
- (45) Grade. The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.
- (46) Height of Building. The vertical distance from the grade to the Highest point of the coping of a flat roof, to the deck line on a mansard roof, to the mean point between the eaves and highest gable of a pitched or hipped roof.
- (47) Home Occupation (business). Accessory use of a dwelling, employing only the inhabitants of the dwelling, wherein the residential character of the dwelling is maintained. The occupation must be lawful and must be conducted in such manner that storage or display of merchandise, equipment or machinery is not visible from off the property on which the occupation is located, and the occupation may not infringe upon the right of neighboring residents to enjoy the peaceful occupation of their dwelling.
- (48) Intermediate Regional Flood. The flood that has a one percent chance of being equalled or exceeded in any single year as designated by the "Flood Plain Information" reports prepared by the U.S. Army Corps of Engineers.
- (49) Landscaping. Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the

land by moving the earth, as well as preserving the original vegetation or adding vegetation. Landscaping requirements are included in this Ordinance for a number of reasons. They preserve natural features of a site for ecological and environmental reasons. They make land more attractive for residential and other uses. They can screen from view unattractive uses such as junkyards, parking lots, or gravel pits. And they can act as buffers, visually separating different types of uses.

- (50) Loading Space, Off-Street. Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation or required off-street parking space.
- (51) Lot. A unit of land that is created by a subdivision of land. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.
- (52) Lot Area. The total area within the boundary lines of the lot.
- (53) Lot, Corner. A lot abutting on two or more intersecting streets, other than alleys, where the angle of intersection of the streets does not exceed 135 degrees,
- (54) Lot Depth. The average distance measured from the front lot line to the rear lot line.
- (55) Lot Frontage. That portion of a lot extending along a street right-of-way line.
- (56) Lot Line. The boundary line of a lot.
- (57) Lot Line, Front. The line separating the lot from the street other than an alley or the nearest line to the public street. In the case of a corner lot, the shortest lot line along a street other than an alley.
- (58) Lot Line, Rear. The boundary line opposite and most distant from a front lot line. In the case of an irregular, triangular, or other non-rectangular lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line
- (59) Lot Line, Side. Any lot line not a front or rear lot line.
- (60) Lot Width. The mean horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

- (61) Lot Frontage. That portion of a lot extending along a street right-of-way line.
- (62) Mobile Home. A structure designed or used for residential occupancy dependent upon external utility connections and built upon a frame or chassis to which wheels may be attached by which it may be moved upon a highway, irrespective of whether or not such structure has, at any given time, such wheels attached or is supported upon posts, footings or a foundation. A mobile home must contain separate bathroom, kitchen, living and sleeping areas. A mobile home located in Pilot Rock other than in an approved mobile home park must comply with the standards listed in Article 7 of this Ordinance.
- (63) Mobile Home Park. A place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
- (64) Modular Home. A sectional or factory built house built to meet the housing standards of the Oregon Department of Commerce, designed to be affixed to real property on a permanent foundation.
- (65) Neighborhood Activity Center. An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, employment areas.
- (66) Nonconforming Access Features. Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.
- (67) Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.
- (68) Owner. The owner of record of real property as shown in the records of the County Assessor, or the registered agent of such owner.
- (69) Parcel. A division of land comprised of one or more lots in contiguous ownership.
- (70) Parking Space. A nine (9) foot by twenty (20) foot area having access to a public street, used or intended to be used for parking of a vehicle.
- (71) Pedestrian Facilities. A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

- (72) Planning Commission. The Planning Commission of the City of Pilot Rock.
- (73) Plat. An exact and detailed map of the subdivision of land.
- (74) Principal Use. The primary or predominant use which the property is or may be devoted and to which all other uses on the premise are necessary.
- (75) Private Road. Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.
- (76) Public Road. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
- (77) Public Use. Building or use such as a city hall, fire station, city shop, school, community center, park, and similar uses.
- (78) Public Hearing. A meeting announced and advertized in advance and open to the public, with the public given an opportunity to talk and participate.
- (79) Public Notice. An advertisement of a public hearing in a newspaper of general circulation in the county indicating the time, place, and nature of the public hearing. Public notices may be advertised, in addition to a newspaper of general circulation, in other media forms such as radio or television.
- (80) Reasonable Access. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the city.
- (81) Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- (82) Recreational Vehicle. A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle; which is intended for human occupancy. Definition also includes "camping vehicle" and "trailer". For the purposes of this Ordinance, a recreational vehicle is considered to not be more than 8 ft. wide and not contain more than 290 sq. ft. of gross floor area.
- (83) Recreational Vehicle - Park. A lot which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles.
- (84) Right-Of-Way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

- (85) Safe and Convienent. Bicycle and pedestrian routes that are:
 - A. Reasonably free from hazards, and
 - B. Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.
- (86) Semi-Public Use. Building or use such as a church, hospital, sanitarium, rest home, nursing or convalescent home, utility structure, and similar uses.
- (87) Setback. The open yard space on a lot between any building and a lot line or a line defining an access easement or road right-of-way.
- (88) Sight Obscuring Fence. A solid fence or a slat fence at least six (6) feet in height that completely obscures vision.
- (89) Sight Obscuring Planting. A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach an average height of at least six (6) feet within thirty (30) months after planting.
- (90) Sign. An identification, description or device which directs attention to a product, place, activity, person, institution or business, and which is affixed to or represented upon a building, structure or land. Each display surface of a sign structure shall be considered a separate sign.
- (91) Significant Change in Trip Generation. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) local—10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State—exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.
- (92) Street. A public right-of-way for the use of pedestrian or vehicular traffic.
- (93) Stub-Out (Stub-Street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.
- (94) Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
 - (a) Before the improvement or repair is started; or
 - (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure listed on the "National Register of Historic Places" or a "State Inventory of Historic Places".
- (95) Variance. A device which grants a property owner relief from certain provisions of this Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. A variance may be granted, for example, to reduce yard or setback requirements, or the number of parking or loading spaces, or to increase the permitted size of a sign.
- (96) Urban Growth Area. That land between the incorporated limits of the city and the urban growth boundary.
- (97) Urban Growth Boundary. The boundary designated in the City's comprehensive plan which identifies and separates urbanizable land from rural land.
- (98) Walkway. A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.
- (99) Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance. Unless otherwise provided in this Ordinance, paving is defined as an obstruction.
- (100) Yard, Front. That yard lying between the front lot line and the front of the building.
- (101) Yard, Rear. That yard lying between the rear lot line and the rear of the building.
- (102) Yard, Side. That yard lying between the front and rear yards, between the building and the side lot line.

ARTICLE 2. ESTABLISHMENT OF ZONES

2.10 Classification of Zones. For the purpose of this ordinance the following zones are hereby established:

	ZONE	DESIGNATION
1.	General Residential	R-1
2.	Limited Residential	R-2
3.	Limited Residential - Mobile Home	R-3
4.	Farm Residential	R-4
5.	Commercial	C-1
6.	Light Industrial	M-1
7.	Heavy Industrial	M-2
8.	Permanent Open Space	POS

Section 2.20 LOCATION OF ZONES

The boundaries for the zones listed in this Ordinance are indicated on the Zoning Maps of Pilot Rock which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 2.30 ZONING MAPS

The zoning maps consist of several sheets, prints or pages, which pages shall be listed on a cover page together with the date and name of each page. The zoning maps shall be certified by the City Council and the City Recorder as being the official zoning maps adopted by reference in Section 2.20. The certification of the official zoning maps shall appear on the cover page.

Section 2.40 AMENDMENT OF MAPS

A zoning map or zoning map amendment adopted by Section 2.20 of this Ordinance or by an amendment thereto shall be prepared by authority of the County Council. The map or map amendment shall be dated with the date of its approval by the City Council or the effective date the Ordinance that adopts the map or map amendment. A certified pr pursuant Section 2.30 of the adopted map or map amendment shall be maintained in the city as long as this Ordinance remains in effect.

Section 2.50 LOCATION OF MAPS

There shall be two sets of official Zoning Maps. One shall be located in the office of the County Planning Department as long as this Ordinance remains in effect. The second set shall be located in the Office of the City Recorder as long as this Ordinance remains in effect.

Section 2.60 ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines on streets, highways, easements, or alleys, railroad right-of-way, water courses, public utility easements, boundary lines of city limits, 100 year floodplains, bluffs, ridges, or other readily recognizable or identifiable natural features or the extension of such lines. Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (2) Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line;
- (3) Boundaries indicated as approximately following city limits shall be construed to follow such city limits;
- (4) Boundaries indicated as approximately following 100-year floodplain limits shall be construed as following such floodplain limits;
- (5) Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easements, whichever is applicable;
- (6) Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow said centerlines;
- (7) Boundaries indicated as parallel to or extension of features indicated in Subsections (1) through (5) of this section shall be so construed;
- (8) Where physical features existing on the ground are at variance with those shown on the official Zoning Maps, or in other circumstances not covered by Subsections (1) through (6) of this section, the City Recorder shall interpret the zone boundaries, and if necessary, may refer the matter to the Planning Commission for their interpretation;
- (9) Where a public street or alley is officially vacated, the zone requirements applicable to the property on which the vacated area becomes a part shall apply.

ARTICLE 3. USE ZONES

In the following use zones, the following transportation related uses are permitted outright without the issuance of a development permit:

- (1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- (2) Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.
- (3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- (4) Landscaping as part of a transportation facility.
- (5) Emergency measures necessary for the safety and protection of property.
- (6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
- (7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

3.10 General Residential Zone, R-1. In an R-1 zone the following uses and their accessory uses are permitted with the issuance of a development permit:

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Mobile homes subject to Article 7.
- (4) Multi-family dwellings.
- (5) Manufactured homes subject to Article 8.

3.11 Conditional Uses Permitted in an R-1 Zone. In an R-1 zone the following uses and their accessory uses are permitted when authorized in accordance with Article 5 et. seq:

- (1) Mobile home park subject to the requirements of the City of Pilot Rock Mobile Home Park Ordinance.
- (2) Public or semi-public use.
- (3) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
(1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects

that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- (a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - (b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - (c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - (d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- (4) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

3.12 Dimensional Standards in an R-1 Zone. In an R-1 zone the following dimensional standards shall apply:

- (1) The front yard shall be a minimum of twenty (20) feet.
- (2) Each side yard shall be a minimum of ten (10) feet, except that on a corner lot the side yard on the street side shall be a minimum of fifteen (15) feet.
- (3) The rear yard shall be a minimum of fifteen (15) feet.
- (4) The lot area shall be a minimum of 6,000 sq. ft. and shall exceed the minimum by 2,000 sq. ft. for each dwelling unit over one.
- (5) The lot width at the front building line shall be a minimum of fifty (50) feet.
- (6) The lot depth shall be a minimum of 100 feet.
- (7) Building height shall be a maximum of twenty-eight (28) feet.
- (8) No more than thirty (30) percent of the lot area shall be covered by buildings.
- (9) The minimum street frontage shall be sixty (60) feet except on a cul-de-sac where the minimum shall be thirty (30) feet.

3.20 Limited Residential Zone, R-2. In an R-2 zone the following uses and their accessory uses are permitted with the issuance of a development permit:

- (1) Single-family dwelling.
- (2) Manufactured homes subject to Article 8.

3.21 Conditional Uses Permitted in an R-2 Zone

- (1) The following uses and their accessory uses are permitted after review by the Planning Commission pursuant to the mini-hearing process listed in Section 12.20 and Article 5 of this Ordinance:

- (a) Two-family dwellings.

- (2) The following uses and their accessory uses are permitted when authorized in accordance with Article 5, et. seq.:

- (a) Multi-family dwelling.

- (b) Public or semi-public use.

- (3) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- (a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

- (b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- (c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

- (d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

- (4) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

3.22 Dimensional Standards in an R-2 Zone. In an R-2 zone the dimensional standards of an R-1 zone shall apply except that the lot area shall be a minimum of 7,500 square feet and the minimum street frontage shall be 75 feet.

3.30 Limited Residential-Mobile Home Zone, R-3. In an R-3 zone, the following uses and their accessory uses are permitted with the issuance of a development permit:

- (1) Single-family dwelling.
- (2) Manufactured homes subject to Article 8.

3.31 Conditional Uses Permitted in the R-3 Zone

- (1) The following uses and their accessory uses are permitted after review by the Planning Commission pursuant to the minihearing process listed in Section 12.20 and Article 5 of this Ordinance, et. seq.:
 - (a) Two-family dwellings.
- (2) The following uses and their accessory uses are permitted when authorized in accordance with Article 5, et. seq.:
 - (a) Multi-family dwellings.
 - (b) Public or semi-public use.
- (3) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
 - (1) not improvements designated in the Transportation System Plan or
 - (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - (a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - (b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - (c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - (d) Project includes provision for bicycle and pedestrian circulation as consistent with the

comprehensive plan and other requirements of this ordinance.

- (4) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

3.32 Dimensional Standards in an R-3 zone. In an R-3 zone the dimensional standards of the R-1 zone shall apply except that the lot area shall be a minimum of 7,500 sq. ft. and the minimum street frontage shall be 75 feet.

3.40 Farm Residential Zone, R-4. In an R-4 zone the following uses and their accessory uses are permitted with the issuance of a development permit:

- (1) Single-family dwelling.
- (2) Mobile home.
- (3) Farming, not including intensive livestock or poultry operations such as a commercial feedlot or poultry plant.
- (4) Manufactured homes subject to Article 8.

3.41 Conditional Uses Permitted in an R-4 Zone. In an R-4 zone the following uses and their accessory uses are permitted when authorized in accordance with Article 5, et. seq.:

- (1) Public or semi-public use.
- (2) Expansion of other residential uses (i.e. mobile home parks) that existed prior to the adoption of Ordinance #318 on November 25, 1978.
- (3) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
 - (1) not improvements designated in the Transportation System Plan or
 - (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - (a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - (b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

- (4) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

3.42 Dimensional Standards in an R-4 Zone. In an R-4 zone the dimensional standards of an R-1 zone shall apply except that the lot area shall be a minimum of one (1) acre.

3.50 Commercial Zone, C-1. In a C-1 zone the following uses and their accessory uses are permitted outright:

- (1) Retail or wholesale trade establishment.
- (2) Repair or maintenance establishment.
- (3) Eating or drinking establishment.
- (4) Office.
- (5) Financial institution.
- (6) Amusement establishment.
- (7) Motel or hotel.

3.51 Conditional Uses Permitted in a C-1 Zone

- (1) In a C-1 zone the following uses and their accessory uses are permitted after review by the Planning Commission pursuant to the mini-hearing process listed in Section 12.20 and Article 5 of this Ordinance:
 - (a) Residential use as an accessory use to an established use allowed in the C-1 zone.
 - (b) Expansion of a use allowed prior to the adoption of this Ordinance.
- (2) The following uses and their accessory uses are permitted when authorized in accordance with Article 5, et. seq.:
 - (a) Recreational vehicle park.
 - (b) Public or semi-public use.
 - (c) Mini-warehouse.

3.52 Dimensional Standards in a C-1 Zone. In a C-1 zone the following dimensional standards shall apply:

- (1) In a C-1 zone the dimensional standards of the R-1 zone apply to a lot or structure whose primary use is for a dwelling.
- (2) The lot area shall be a minimum of 6,000 sq. ft.
- (3) The rear yard shall be a minimum of ten (10) feet unless the rear lot line is abutting on an alley.
- (4) Building height shall be a maximum of twenty-eight (28) feet.
- (5) The street frontage shall be a minimum of sixty (60) feet.

3.60 Light Industrial Zone, M-1. In a M-1 zone the following uses and their accessory uses are permitted with the issuance of a development permit:

- (1) Agricultural supplies and equipment sales, service or repair.
- (2) Auto or truck sales, service or repair.
- (3) Building materials or hardware store.
- (4) Contractors equipment storage.
- (5) Grain elevator.
- (6) Greenhouse or nursery.
- (7) Hauling, freighting and truck yard or terminal.
- (8) Machine shop.
- (9) Mini-warehouse.
- (10) Plumbing or sheet metal shop.
- (11) Repair or maintenance establishment.
- (12) Veterinary clinic or animal hospital.
- (13) Welding shop.
- (14) Wholesale trade.

3.61 Conditional Uses Permitted in a M-1 Zone. In an M-1 zone the following uses are permitted when authorized in accordance with Article 5, et. seq.:

- (1) Public or semi-public use.
- (2) Utility substation.
- (3) Other uses similar to the use listed in Section 3.60 and 3.61 and normally found in a Light Industrial zone, provided that it has the approval of the Planning Commission.
- (4) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
(1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects

that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- (a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - (b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - (c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - (d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- (5) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

3.62 Dimensional Standards in a M-1 Zone. In a M-1 zone the following dimensional standards shall apply:

- (1) The lot area shall be a minimum of 10,000 square feet.
- (2) The minimum street frontage shall be 100 feet.
- (3) The front, side and rear yards shall be a minimum of ten (10) feet each.
- (4) Building height shall be a maximum twenty-eight (28) feet.,

3.63 Limitations on Use. In a M-1 zone, the following limitations and conditions shall apply:

- (1) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (2) Any use of property within 100 feet of a lot in a residential zone shall be subject to the review of the Planning Commission. The Planning Commission may impose such limitations as may be required to reduce conflicts between uses.

3.64 Site Review. An application for a development permit for a use permitted in Section 3.60 above shall be accompanied by a site plan and reviewed by the Planning Commission for completeness and compliance with the following requirements:

- (1) The site plan shall consist of the following:
 - (a) An accurate map showing property lines, dimensions and location of buildings on the property, both existing and proposed.
 - (b) Drawn at a scale no smaller than 1"= 100'.
 - (c) Access points to streets or highways.
 - (d) Names of the owner and developer of the site.
 - (e) Landscaping as required by this Ordinance.
- (2) Landscaping shall include the following:
 - (a) Trees or shrubs at least 20 ft. wide shall be planted and maintained when adjacent or across the street from a residential zone.
 - (b) A fence or wall at least 6 ft. high shall be erected and maintained along all property lines excluding access points when adjacent to a residential zone.
 - (c) Landscaping shall be in place and maintained by the property owner or leasee no later than six (6) months after the use is established or building completed, whichever comes first.
- (3) A six foot wide sidewalk will be established along any street within six (6) months of building occupancy or establishment of the use, whichever comes first.
- (4) Lighting of parking, loading, driveway, and building areas shall be shielded away from adjoining or nearby residentially designated land. Truck parking, driveway and servicing areas shall be oriented away from residentially designated land if at all possible, and shall be shielded, screened and buffered from said land to minimize impact of engine noise and headlight glare.

3.65 Performance Standards. All uses shall comply with the following maximum pollution standards and any use exceeding these standards shall be deemed in violation of this Ordinance and appropriate measures to abate the use, modify or rescind any permit issued shall be pursued by the city.

- (1) Vibration. No vibration other than that caused by motor vehicles shall be permitted which is discernable without instruments at the property line of the premises concerned.
- (2) Noise. Noise generated by the permitted use shall not exceed the maximum ambient level (all frequencies) for 90% of the time pre-existing at the boundary of the premises.
- (3) Odor. Emission of odorous gases or other odorous matter in quantities so as to be detectable at the boundary of the premises shall be prohibited.

- (4) Discharges. Smoke, fallout, fly ash or other forms of air pollution shall be subject to the rules and regulations of the state of Oregon.
- (5) Solid wastes. Outdoor storage of solid wastes is prohibited except for items stored in sealed containers which prevent the entrance of insects or rodents.

3.70 Heavy Industrial Zone, M-2. In a M-2 zone the following uses and their accessory uses are permitted with the issuance of a development permit:

- (1) Expansion of existing uses by not more than 50% in area.

3.71 Conditional Uses Permitted in a M-1 Zone. In a M-2 zone the following uses and their accessory uses are permitted when authorized in accordance with Article 5, et seq.:

- (1) Any industrial use not listed in Section 3.70. Such uses may create but are not limited to a public nuisance because of noise, unsightliness, smoke, odor, dust, vibration or heavy truck traffic.
- (2) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
 - (1) not improvements designated in the Transportation System Plan or
 - (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - (a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - (b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - (c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - (d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- (3) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be

undertaken prior to or in conjunction with the conditional permit review.

3.72 Dimensional Standards in an M-2 Zone. In a M-2 zone the dimensional standards of an M-1 zone shall apply.

3.73 Limitations on Use. In a M-2 zone the following limitations and conditions shall apply:

- (1) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (2) Any use of property within 100 feet of a lot in a residential zone shall be subject to the review of the Planning Commission. The Planning Commission or City Council may impose such limitations as may be required to reduce conflicts between uses.
- (3) Points of access from streets or highways to M-2 zoned properties shall be located so as to minimize traffic congestion and direct traffic away from residential streets.
- (4) New uses will not have an adverse impact on existing industrial uses in that it would not be incompatible with noise, dust, vibrations and odors that it may emanate or cause or that it may be emanated or caused by adjacent industrial uses.

3.80 Permanent Open Space, Zone, POS. In a POS zone no permanent structures may be built. The following uses are permitted outright (no development permit required):

- (1) Farming, including crop cultivation, truck gardening or plant nursery enterprises and livestock grazing.

3.81 Conditional Uses Permitted in the POS Zone. In a POS zone the following uses and their accessory uses are permitted after review by the Planning Commission pursuant to the mini-hearing process listed in Section 12.20 and Article 5 of this Ordinance:

- (1) Natural areas including wildlife refuges.
- (2) Outdoor recreational facilities.
- (3) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
(1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

- (4) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

3.82 Limitations on Use. In the POS zone the following limitations shall apply:

- (1) No use shall be allowed which would create a hazard to public health, life, or property at the site or in a floodplain area either upstream or downstream from the site; and in addition all uses must be in accordance with the U.S. Department of Housing and Urban Development's Federal Insurance Administration's floodplain regulations.
- (2) No more of a lot's existing vegetation shall be cleared from an area zoned POS than is necessary for uses permitted in Sections 3.80 and 3.81.
- (3) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in (2) above. Where vegetation removal beyond that allowed in (2) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.
- (4) The following uses and activities are excepted from the above standards:
- (a) Commercial forest practices regulated by the Oregon Forest Practices Act;
 - (b) Vegetation removal necessary to provide water access for a water dependent use;
 - (c) Removal of dead or diseased vegetation that poses a safety or health hazard;

- (d) Removal of vegetation necessary for the maintenance or replacement of structural shoreline stabilization.

3.90 Additional Requirements

3.91 Clear Vision Areas. 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.

- (1) A clear vision area shall consist of a triangular area, two sides of which are lot 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.
- (2) A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction from the top of the curb or, where no curb exists, from the established street centerline 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 (8) feet above the grade.
- (3) The following measurements shall establish clear-vision areas:
 - (a) In a residential zone, the minimum distance shall be thirty (30) feet or, at intersections including an alley, ten (10) feet.
 - (b) In all other zones where yards are required, the minimum distance shall be fifteen (15) feet, or at intersections including an alley ten (10) feet, except that when the angle of intersection between streets other than an alley is less than thirty degrees (300), the distance shall be twenty-five (25) feet.
 - (c) Where any yards are required, the minimum distance shall be as in (b) above and buildings may be constructed within the clear-vision area, providing that any portion of the structure within the clear-vision area is more than eight (8) feet above the top of the curb or street centerline grade and is supported by not more than two columns not more than eight (8) inches in diameter.
- (4) Corner Clearance. Corner clearance is the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

- (a) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
- (b) New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
- (c) Where no other alternatives exist, the City of Pilot Rock may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

3.92 Ground Cover Requirements. Any property in a residential or commercial zone shall be planted with ground cover, trees and bushes so as to prevent any dust blowing from the property; such plantings shall be in place within six (6) months after completion of the structure.

3.93 Hazard Areas. If a structure is proposed for any area subject to flooding or of greater than twelve percent (12%) slope, the developer shall show that he is aware of the flood hazard or steep slope condition and has incorporated necessary safeguards into his site and building plans before the city signs the building permit.

3.94 Access. Before the City approves a building permit, zone change, conditional use, or variance, it shall be demonstrated that the property has adequate access to a city street, county road, or state highway. If a county or state permit is required, the permit shall be obtained by the property owner prior to the final city approval. If dedication of a street is necessary to provide adequate access, the street shall be designed and constructed to the requirements established by the City of Pilot Rock Subdivision Ordinance. A building shall not be situated so that an existing street cannot be extended.

3.95 Flood Hazard Regulation. (space reserved for future regulations)

3.96 Streamside Development and Setback. To permit better stream and pollution control, protect fish and wildlife areas and to preserve natural scenic amenities along Birch Creek, West Birch Creek and East Birch Creek, a special setback and development provision shall apply. Within a stream bank, no development shall occur between the ordinary highwater mark. Additionally, no new development or structure shall be located within three (3) feet of the ordinary highwater mark. For the purposes of this section, the ordinary highwater mark shall be defined as that mark that will be found by examining the bed and banks of the stream and ascertaining where the presence and actions of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil and character

district from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this Ordinance or as it may naturally change thereafter. If no ordinary highwater mark can be found, the ordinary highway mark shall be the line of mean highwater as evidence by historical data on highwater.

ARTICLE 4. NON-CONFORMING USES

4.10 Definition. A structure or use lawfully in existence at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

4.20 Circumstances for Allowing a Non-conforming Use

4.21 Continuation and Improvements. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located and improvements to the property or structure or both may be made when necessary to continue but not expand the use.

4.22 Changes and Alterations of Use. A non-conforming use or structure may not be replaced, changed, or altered to another use unless the change or alteration is the same use classification as permitted in the Ordinance, or to a classification that more nearly conforms to the regulations for the zone in which the use is located.

4.23 Discontinuation of Use. If the non-conforming use is discontinued for a period of one year, further use of the property shall conform to the Ordinance.

4.24 Destruction of Structure. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80 percent (80%) of its valuation as determined by the County Assessor, the non-conforming use or structure shall not be re-established. A future structure or use on the site shall conform to this Ordinance.

4.25 Pre-Existing Permits. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued or approved by the City and construction has commenced prior to the adoption of this Ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time the permit was issued.

4.26 Extension of Non-Conforming Structures. A non-conforming structure as it relates to the setbacks

required by this Ordinance may be extended or expanded so long as the addition does not encroach closer to the property line than the existing portion of the non-conforming structure, and the addition will meet all of the other setback requirements of this Ordinance.

ARTICLE 5. CONDITIONAL USES

5.10 Authorization to Grant or Deny Conditional Uses. A Conditional Use listed in this Ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this Article. In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a Conditional Use, a change in the use or in lot area or an alteration of structure shall conform with the requirements for a Conditional Use. A Conditional Use proposal shall be approved by the Planning Commission if the following standards are either met, can be met by observance or conditions, or are found not applicable.

- (1) The use will be consistent with the comprehensive plan, the zoning ordinance and other applicable policies of the City.
- (2) Taking into account location, size, design, and operating characteristics, the use shall not unreasonably interfere with continuation of existing uses or uses allowed outright on abutting properties.
- (3) The use will not have a significant adverse impact on public facilities, including but not limited to streets, sewer, water facilities, such as the traffic generated by the use surpassing the capacity of the street serving the use.
- (4) The design will preserve environmental assets such as trees, watercourses, historic, and archeological sites, and similar irreplaceable assets of particular interest to the community.
- (5) Shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
- (6) Shall require dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- (7) Shall Require improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

5.20 Placing Conditions on a Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary and reasonable to minimize conflict between the proposed use and existing uses or uses permitted outright. The use shall be subject to design review and approval before construction. These conditions may include the following:

- (1) Limiting the manner in which the use is conducted, including restricting the time a commercial activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (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 or vehicle access points and off-street parking spaces.
- (5) Increasing the amount of street dedication, roadway width or improvement within the street right-of-way.
- (6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
- (7) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- (8) Limiting or otherwise designating the location and intensity of outdoor lighting and requiring it's 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) Measures to protect and preserve existing trees, vegetation, water resources, wildlife habitat or significant natural resource.
- (12) Requiring a children's play area or outdoor recreation area or both in the case of a multiple-family dwelling or a recreational vehicle park of 10 or more units.
- (13) Requiring payment of a fair share of the cost for improvement of a street, water and sewer lines serving the site or participation in an improvement district established to provide city facilities and services to an area including the site.
- (14) Other reasonable measures to permit the development of the City in conformity with the intent and purpose of the conditional classification of uses.

5.30 Application for a Conditional Use

- (1) A request for a Conditional Use or modification of an existing Conditional Use may be initiated by a property owner or authorized agent of the owner by filing an application with the City Recorder in accordance with Article 12. In addition to the requirements of Article 12, the applicant must show that the proposed Conditional Use reasonably meets the need recognized by the Ordinance.
- (2) In addition to filing an application, the Planning Commission or City Council may require the applicant to post bond up to the amount of the cost of meeting conditions specified by this Ordinance or by the Planning Commission or City Council. The bond shall be returned upon proof by the applicant that the conditions and standards have been met. If the conditions and standards required are not met within one year, the bond shall be forfeited and the City may institute proceedings under Article 13 of this Ordinance.

5.40 Procedure for Taking Action on a Conditional Use Application. The procedure for taking action on a Conditional Use application shall be as follows.

5.41 Application Review. Upon receipt of the application the City Recorder shall provide copies of the application material to the Planning Commission members.

5.42 Planning Commission Review. The Planning Commission shall review the application at its next regular meeting and approve, modify or deny the application. The Planning Commission shall adopt findings of fact and conclusions of law to support their decision.

5.43 Public Hearing. Before the Planning Commission may act on an application for a Minor or Major Conditional Use, a public hearing shall be held as provided in Section 12.21(1) for Minor Conditional Uses and Section 12.21(2) for Major Conditional Uses. The procedures found in Section 12.30 shall be used for conduct of all Conditional Use hearings.

5.44 Notice to Applicant of Action Taken. Following the close of the hearing the City Recorder shall provide the applicant with written notice of the action taken as provided in Article 12.

5.45 Right of Appeal. A decision by the Planning Commission on a minor or major conditional use may be appealed pursuant to the requirements of Article 12 of this Ordinance.

5.46 Recommended Regulations to Provide Notice to Public Agencies. Review of land use actions is typically initiated by a Notice. This process is usually defined by a Procedures Ordinance or Noticing Policy. This Ordinance or Policy should be amended to provide for Notice to ODOT regarding any land use action on or adjacent to a State facility. Similarly, all actions by a city

or county potentially affecting another jurisdiction's road should require notice to that jurisdiction's public works department. In addition, the policy should be to notice providers of public transit and special interest transportation groups such as truckers, railroad, bicyclists, pedestrians, and the disabled on any roadway or other transportation project.

(1) Information that should be conveyed to reviewers includes:

- (a) Project location.
- (b) Proposed land use action.
- (c) Location of project access point(s).

(2) Additional information that could be supplied to the review upon request (provided the information is available) includes a site plan showing the following:

- (a) Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
- (b) Number and direction of lanes to be constructed on the driveway, plus striping plans;
- (c) All planned transportation features (lanes, signals, bikeways, sidewalks, crosswalks, etc.);
- (d) Trip generation data or appropriate traffic studies;
- (e) Parking (motor vehicle and bicycle) and internal circulation plans for vehicles and pedestrians;
- (f) Plat map showing property lines, right-of-way, and ownership of abutting properties; and
- (g) A detailed description of any requested variance.

5.50 Time Limit on a Permit for a Conditional Use. A Conditional Use permit shall be void after one year or such lesser time as the permit may specify unless 20% of the total estimated project cost has occurred or the proposed use has occurred. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request from the applicant. The total time allowed shall not exceed two years from the original approval date.

5.51 Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and

other pertinent factors. This period shall not exceed three years.

5.60 Time Limit on Reapplication. No application for a Conditional Use Permit shall be considered by the Planning Commission within one year of the denial of the request, unless in the opinion of the Planning Commission new evidence or a change of circumstances warrant it.

5.70 CONDITIONS FOR GRANTING AMENDMENTS. All development proposals, plan amendments or zone changes shall conform with the adopted Transportation System Plan. In addition, the applicant must show that the proposed change conforms with the Comprehensive Plan.

- (1) Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - (a) Limiting allowed land uses to be consistent with the planned function of the transportation facility;
 - (b) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

6.10 Authorization to Grant or Deny Variances. The City Planning Commission may authorize Variances from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances relating to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. No Variance shall be granted to allow the use of the property for a purpose not authorized within the zone in which the proposed use would be located. In granting Variances the Planning Commission may attached conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this Ordinance.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography, or other circumstances over which the owner of the property, since the enactment of this Ordinance, has 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 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, and the Variance is in compliance with and is not a deviation from the comprehensive plan of the City.
- (4) The Variance requested is the minimum Variance which would alleviate the hardship.

6.30 Application for a Variance. A request for a Variance may be initiated by a property owner or authorized agent of the owner by filing an application with the City Recorder in accordance with Article 12.

6.40 Procedure for Taking Action on a Variance Application. The procedure for taking action on the application for a Variance shall be as follows.

6.41 Application Review. Upon receipt of the application the City Recorder shall provide copies of the application material to the Planning Commission members.

6.42 Planning Commission Review. The Planning Commission shall review the application at its next regular meeting and approve, modify, or deny the application. The Planning Commission shall adopt findings of fact and conclusions of law to support their decision.

6.43 Public Hearing. Before the Planning Commission may act on an application for a Minor or Major Variance, a public hearing shall be held as provided in Section 12.21(1) for Minor Variances and Section 12.21(2) for Major Variances. The procedures in Section 12.30 shall be used for the conduct of all Variance hearings.

6.44 Written Record. Following the close of the hearing, the City Recorder shall provide the applicant with a written notice of the action taken as provided in Article 12.

6.45 Right of Appeal. A decision by the Planning Commission on a Minor or Major Variance may be appealed pursuant to the requirements of Article 12 of this Ordinance.

6.50 Time Limit on a Variance. A Variance shall be void after one year or such lesser time as the permit may specify unless 20% of the estimated project cost has occurred or the land has been separated and has been segregated in the County Assessor's Office. However, the Planning Commission may extend authorization for an additional period, not to exceed one year, on the request of the applicant. The total time allowed shall not exceed two years from the original approved date.

ARTICLE 7. MOBILE HOME INSTALLATION REGULATIONS

7.11 Stand Requirement. The mobile home shall be situated on a stand, which has been improved to allow adequate drainage, constructed on soils with a minimum bearing capacity of 1,500 pounds per square foot. In flood prone areas, the stand shall be adequate to insure that the floor of the mobile home shall be at least one foot above the 100-year flood elevation, and that the mobile home can easily be hauled in or out. Specially adopted perimeter foundations are also allowable.

7.12 Installation and Tie-Down Requirements. The mobile home shall be installed, tied down and anchored in accordance with the rules established by the Oregon Department of Commerce, or in accordance with the instructions of the manufacturers which have been approved by the Department of Commerce. Such requirements shall be met within seven days after the mobile home has been placed on the lot. For sites within the floodplain or floodway overlay zones, the special anchoring standards shall apply.

7.13 Tongue Removal. The tongue of the mobile home shall be removed.

7.14 Skirting, Gutters and Downspouts. Unless the foundation is continuous, the unit shall have a continuous skirting or non-decaying, non-corroding material extending at least six (6) inches into the ground or extending to an impervious surface. The skirt or continuous foundation shall have openings which shall be secured against entry of animals under the mobile home. The mobile home shall be provided with gutters and downspouts to direct water into storm drains, if storm drains are available.

7.15 Additions and Extensions. Carports, porches, decks, tip-outs, rooms and other "additions" or extensions to a mobile home may be developed in accordance with Department of Commerce or other applicable standards. Such additions

and extensions shall be finished to match the color scheme of the mobile home and shall be maintained in sound, attractive condition.

7.16 Perimeter Foundation Landscaping. Because mobile homes generally are elevated higher off the ground than houses, foundation plantings of shrubs and other ornamental vegetation shall be provided around the base of the house portions of the mobile home, and any tip-out, addition, or extensions, visible from a public street. Such landscaping shall be planted within six months of moving the mobile home onto the lot and shall be continuously maintained.

7.20 Waiver of Installation Requirements. The City Council, giving their reasons therefore, may reduce or waive one or more installation requirements that, in its judgement, are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate. Within a mobile home park standards may be varied, except for requirements of any flood hazard regulations adopted by the City.

7.30 Ownership. Except in a R-1 zone, the owner of the mobile home shall be the owner of the lot upon which the mobile home is located and shall agree in writing prior to installation, that if the mobile home is removed from its foundation, the owner shall remove the foundation and all additions to the home and permanently disconnect and secure all utilities. This agreement shall authorize the City to perform the work above described and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 90 days from the date the mobile home is removed. This condition shall not apply in the event that another mobile home is placed on the original foundation within 90 days of the removal of the original mobile home.

7.40 Mobile Home Standards. All mobile homes installed shall have an Oregon "Insigne of Compliance" and be constructed after January 1, 1972. Mobile homes built after July 1, 1976 in addition to an Oregon Insigne of Compliance must carry a seal (HUD seal) conforming compliance with the 1976 federal standards for mobile home construction. Older mobile homes may be allowed if they generally conform to the 1976 federal standards, are in good condition, receive a favorable "visual inspection" from the Oregon Department of Commerce or applicable inspecting agency, and carry or obtain an Oregon Insigne of Compliance. Only those standards established by the management apply in mobile home parks.

7.41 Quality Standards for Doublewide Mobile Homes. Doublewide Mobile homes must be similar in appearance to standard constructed or modular homes and must meet the following standards:

- (1) Exterior "house-type" siding, either wooden or metal, but excluding any highly reflective surfaces.
- (2) Roof pitch of 1:4 (3" rise in 12").

- (3) Composition or wooden roofing.
- (4) Overhanging eaves (at least 12")

7.42 Quality Standards for Mobile Homes Not Meeting Section 7.41. Double-wide mobile homes not meeting the standards listed in Section 7.41 can be allowed provided the mobile homes have a good outward appearance and are in good condition. Burned out or damaged mobile homes may not be placed on property within the city until the mobile home has been repaired and inspected by the Oregon Department of Commerce.

Section 7.43 Development Standards

- (1) Single-wide mobile homes shall contain the following floor area:
 - (a) One-bedroom unit: 600 sq. ft.
 - (b) Two-bedroom unit: 780 sq. ft.
 - (c) Three or more bedroom unit: 960 sq. ft.
- (2) Double-wide mobile homes shall contain at least 960 sq. ft. of floor area.
- (3) Minimum dwelling unit width for mobile homes, excluding tip-outs and attached extensions shall be for:
 - (a) Single-wides - 12 ft.
 - (b) Double-wides or larger - 20 ft.
- (4) Off-street parking: Each principal dwelling unit shall be provided with at least two spaces of off-street parking, one of which can be provided in a paved driveway; within all subdivisions platted after the effective date of this Ordinance, at least one of the spaces shall be contained in a garage or carport; accessory dwellings shall be provided with at least one additional off-street parking space.

Section 7.50 Mobile Home Parks. Mobile home parks authorized by this Ordinance may be allowed after a Conditional Use hearing has been held and the following conditions have been met:

- (1) A plot plan and related materials be submitted meeting the minimum requirements of ORS Chapter 446 and OAR 814 Division 28 which are hereby adopted by reference and incorporated into this section of the Zoning Ordinance;
- (2) The density will not exceed eight (8) units per gross acre;
- (3) Each mobile home lot shall have a minimum of 3,000 sq. ft.;
- (4) Each travel trailer space provided shall have a minimum lot area of 1200 sq. ft.;
- (5) No more than 10% of the park area may be used for overnight travel trailer accommodations;

- (6) The entire area of the mobile home park shall be fenced and landscaped for the entrance into the park.

ARTICLE 8. MANUFACTURED HOME INSTALLATION REGULATIONS

8.11 Standards Within a Residential Zone. Within a residential zoning district, a manufactured home placed outside a manufactured home subdivision or a "mobile home park" shall:

- (1) Be multi-sectional ("double-wide" or wider) and enclose a floor area of not less than 1,000 sq. feet.
- (2) Be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a slope grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home.
- (3) Have a roof with a nominal pitch of 3 feet in height for each 12 feet in width.
- (4) Have a garage or carport with exterior materials matching the manufactured home.
- (5) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.)

- (6) Not have bare metal siding or roofing.
- (7) Not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts.

8.20 Required Designs. All single family dwellings within a residential zoning district (except for manufactured homes located within a manufactured home subdivision or "mobile home park") shall utilize at least two of the following design features:

- | | |
|---|---------------------------|
| a. dormers; | i. gables; |
| b. recessed entries; | j. covered porch entry; |
| c. cupolas; | k. pillars or posts; |
| d. bay or bow windows; | l. eaves (minimum 6"); |
| e. attached garage; | m. tile or shake roof; |
| f. window shutters; | n. horizontal lap siding; |
| g. a roof with pitch greater than nominal 3/12; | |

h. off-sets on building face or roof (minimum 12").

ARTICLE 9. OFF-STREET PARKING AND LOADING

9.10 General Provisions

9.11 Provision of Facilities. At the time of erection of a new structure, or at the time of enlargement or change of use of an existing structure, off-street parking and loading shall be provided as specified in this section, unless greater requirements are otherwise established.

9.12 Parking Space Maintenance. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented to the City that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of the property shall be conditional upon the continuing availability of the amount of parking and loading space required by this Ordinance.

9.13 Total Requirements. If 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.

9.14 Parking Space Location. Required parking spaces shall be located not more than 500 feet from the building or use they serve.

9.15 Parking Space Use. Required parking spaces shall be available for the parking of passenger automobiles of customers and employees only, and shall not be used for storage of materials or the parking of trucks used in conducting the business or use.

9.16 Parking Lots Allowed as Permitted Uses. Commercial parking lots are allowable as outright permitted uses in the C-1 zone as outright permitted accessory facilities to primary uses in all zones, subject to approval of site plan and development standards by the City Recorder and/or Zoning Administrator.

9.20 Off-Street Parking Specifications. Where floor area is specified, that area shall be gross floor area of the structure exclusive of any area devoted to off-street parking or loading. Where the number of employees is used to determine parking requirements, persons counted shall be those intended to be working on the premises, including proprietors during the largest shift in peak season. Fractional requirements shall be counted as a whole space.

9.21 Parking Spaces are required as follows:

<u>USE</u>	<u>STANDARD</u>
Residential	
One or two family dwellings	2 spaces per dwelling unit

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Multi-family dwellings	2 spaces per dwelling unit and one bicycle space per two dwelling units
Hotel or Motel	1 space per guest room
Institutional	
Hospital or nursing home	1 space per two beds and 1 space per two employees
Pre-school or Kindergarten	2 spaces per teacher
Elementary or Junior High School	1 space per administrative employee and 1 bicycle space per four students
Theater, auditorium, church, stadium or other assembly area	1 space for each four seats or if not fixed seats then 1 space for each 100 square feet of floor area
High School	6 spaces per classroom plus 1 space for each employee and 1 bicycle space per four students
Clubs or meeting halls	1 space per 100 square feet of floor area
Commercial	
Retail stores	1 space per 200 square feet of floor area plus 1 space per two employees and 1 bicycle space per 600 feet of floor area
Service or repair shop	1 space per 600 square feet of floor area plus 1 space per two employees and 1 bicycle space per 600 feet of floor area
Bank or professional offices	1 space per 300 square feet of floor area plus 1 space per employee
Eating or drinking establishment	1 space per 200 square feet of floor area plus 1 space per 2 employees.

Bowling alley	3 spaces per lane plus 1 space per employee
Industrial	
Storage warehouse, manufacturing establishments, freight terminal, food processing.	1 space per employee
Wholesale establishment	1 space per employee plus 1 space per 700 square feet of patron serving area

9.22 School Bus Loading Areas. Each school having a capacity of over twenty-five (25) pupils shall have a driveway designed for a continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

9.23 Residential Parking. In a residential area no parking shall be allowed in the front yard of the dwelling units other than on a driveway.

9.24 Bicycle Racks. Bicycle spaces shall have racks anchored so that they cannot be easily removed. Racks shall be designed so that at least one wheel and the frame of a bicycle can be locked securely to it with a heavy chain, cable or padlock. Bicycle racks shall be clearly labeled as available for bicycles and shall be located to be at least as convenient as the most convenient car parking, and as close to the desired entrances as possible without interfering with pedestrian traffic. Bicycle and auto parking areas should be separated by some form of barrier to eliminate the possibility of a bike being hit by a car.

9.30 Joint Parking. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, providing that the owners present to the City Council legal evidence of such arrangement in the form of a lease, deed or contract.

9.40 Off-Street Loading. Any off-street loading other than schools shall be located so that there is no interference with traffic on any street other than an alley.

9.50 Non-Listed Uses. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Council, based upon the requirements of comparable uses listed.

9.60 Surfacing. All off-street parking spaces and driveways, except those of single-family residences, shall be hard surfaced with concrete, asphalt, cement, oil mat or similar surface which is resistant to dust and mud. Type and thickness of this hard surface shall be approved by the City Engineer.

9.70 Access. Groups of more than four (4) off-street parking spaces shall be served by a driveway or aisle so

that no backing movements or maneuvering within a street other than an alley will be required. Driveways or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, painting, walls or other appropriate markers and shall not be considered as parking spaces.

ARTICLE 10. SIGNS

10.10 Sign Requirements. A sign is permitted only as an accessory use to the use of the property on which the sign is located.

10.11 Residential Zone Requirements. In a residential zone the following regulations shall apply:

- (1) No sign shall be illuminated in any manner.
- (2) One name plate or home occupation sign shall be allowed and shall not exceed two (2) square feet in area.

10.12 Commercial Zone Requirements. In a commercial zone the following regulations shall apply:

- (1) Signs shall be set back at least ten (10) feet from any residential zone.
- (2) Moving or flashing signs are prohibited.
- (3) Total area of all signs shall not exceed one (1) square foot per 100 square feet of the building's ground floor area except that a minimum of eighteen (18) square feet shall be allowed.
- (4) No sign shall project above the roof edge of the building containing the business which the sign identifies.
- (5) Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.

10.13 Industrial Zone Requirements. In an industrial zone the following regulations shall apply:

- (1) Signs shall be set back at least ten (10) feet from any residential zone.
- (2) Moving or flashing signs are prohibited.
- (3) Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.

10.14 Temporary Signs.

- (1) One sign shall be allowed per lot advertising the property for sale, lease or rent and the sign shall not exceed six (6) square feet in area. A "for sale"

sign shall not be allowed to remain on the property after the property is sold.

- (2) One sign shall be allowed per subdivision advertising lots or homes for sale. Such sign shall not exceed fifty (50) square feet in area and shall be set back at least twenty (20) feet from the nearest street.
- (3) One advertising sign not to exceed eight (8) square feet in area nor advertising for a period exceeding two (2) weeks an event such as a picnic, bazaar, or banquet of a church, service club, fraternal organization, or similar group shall be allowed.
- (4) One political sign per lot shall be allowed not to exceed two (2) square feet in area nor advertising a candidate or issue for a period exceeding thirty (30) days prior to the date of an election.

10.15 Public or Semi-Public Sign. On property in public or semipublic use, an identification sign facing each abutting street not to exceed six (6) square feet in area and a bulletin board not over ten (10) square feet in area shall be allowed.

ARTICLE 11. SUPPLEMENTARY PROVISIONS

11.10 Exceptions

11.11 Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues and other architectural features may project not more than two (2) feet into a required yard of open space as established by this Ordinance.

11.12 Height Exceptions. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, church spires, belfries, radio and television antennae, flagpoles, smoke stacks and other similar projections.

11.13 Lot Size Requirements. If a property ownership, whether it be a lot or more than one contiguous lot held in a single ownership at the time of 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 requirements of the zone. The record of ownership as recorded in the office of the County Clerk at the time of passage of this Ordinance shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this ordinance became applicable to the land concerned.

11.20 Accessory Uses and Facilities. Accessory uses and facilities are allowable in any district when incidental to and associated with a permitted use or facility, or when incidental to and associated with an allowable and authorized conditional use therein, subject to the provisions of this section.

11.21 Requirements. Accessory uses and facilities shall meet the following requirements:

- (1) Shall be subordinate to the primary activity of the principal use or the principal facility, respectively.
- (2) Shall contribute to the comfort, convenience, efficiency, or necessity of the occupants or the activities of a principal use, or the function of a principal structure.
- (3) Shall be located on the same site as the principal use or structure served.
- (4) Shall not violate setback requirements or maximum lot coverage standards provided for in Article 3.
- (5) Shall obtain approval from the City Recorder or Zoning Administrator for permitted use and from the Planning Commission for other uses.

11.22 Classifications of Accessory Uses include, but are not limited to, the following types:

- (1) Permitted Accessory Uses, subject to approval by the City Recorder or Zoning Administrator.
 - (a) Parking lots;
 - (b) Private swimming pools for homes, motels, apartments, etc.;
 - (c) Storage sheds;
 - (d) Garages and carports;
 - (e) Workshops;
 - (f) Patios, decks, covered porches, gazebos;
 - (g) Personal use (non-commercial) greenhouses;
 - (h) Accessory structures, uses, or facilities adjudged by the City Recorder or Zoning Administrator to be similar to the above;
 - (i) Street or highway overlays, reconstruction or improvements;
 - (j) Sewer or waterline installation or replacement;
 - (k) Bridge construction or replacement outside designated flood hazard areas;
 - (l) Minor utility line used for electricity, telephone or cable TV;
 - (m) Personal use dish antennae.
- (2) Accessory Uses allowed as a Minor Conditional Use, subject to the requirements of Article 5, et seq. and:
 - (a) Home occupations;
 - (b) Accessory dwellings (one only) for the owner or operator of a permitted commercial use;
 - (c) Accessory uses, structures, or facilities not listed herein that have the potential of creating negative impacts on neighboring properties as adjudged by the City Recorder and Zoning Administrator;
 - (d) Bridge construction or reconstruction in a Flood Hazard Area.

11.23 Continuation of Allowable Accessory Use. No use or facility permitted as an accessory use or facility pursuant to this section shall be construed to be permitted as a principal use or facility unless specifically authorized as a permitted or conditional use in the district in which it shall be located. Operation, occupancy, and continuance of allowable accessory uses and facilities shall be conditional upon the continued occupancy or use of the principal use or facility being served.

11.24 Home Occupations. Home occupations are allowable as an accessory use of a dwelling and accessory structures

commonly provided in conjunction with a dwelling subject to the following standards:

- (1) Only inhabitants of the dwelling are employed.
- (2) The residential character of the dwelling and property are maintained.
- (3) The occupation is lawful.
- (4) The occupation is conducted in such manner that storage or display of merchandise is not visible from off the property.
- (5) The occupation may not infringe upon the right of neighboring residents.

11.25 ACCESS MANAGEMENT AND STREET CONNECTIVITY.

- (1) Intent and Purpose. The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. To achieve this policy intent, state and local roadways have been categorized the Transportation System Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.
- (2) Applicability. This ordinance shall apply to all arterials and collectors within the city and to all properties that abut these roadways.
- (3) Conformance with Plans, Regulations and Statutes. This ordinance is adopted to implement the access management policies of the city as set forth in the Transportation System Plan.
- (4) Joint Use Driveways and Cross Access.

- (a) Adjacent commercial or office properties identified as major traffic generators (generating more than 400 daily trips as defined by the Institute of Transportation Engineers Trip Generation Manual), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- (b) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - i. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - ii. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles
 - iii. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
 - iv. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- (c) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- (d) Pursuant to this section, property owners shall:
 - (i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - (ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City of Pilot Rock and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - iii. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- (e) The city may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- (i) Joint access driveways and cross access easements are provided in accordance with this section.
 - (ii) The site plan incorporates a unified access and circulation system in accordance with this section.
 - (iii) The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway
 - (f) The City of Pilot Rock may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.
- (5) Access Connection and Driveway Design.
- (a) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
 - (b) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.
- (6) Nonconforming Access Features.
- (a) Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - (i) When new access permits are requested;
 - (ii) Change in use, enlargements, or improvements that will increase trip generation.
- (7) Requirements for Phased Development Plans
- (a) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations

shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

- (b) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

ARTICLE 12. ADMINISTRATIVE PROVISIONS

12.10 Administration. The City Council shall have the power and duty to enforce the provisions of this Ordinance. The City Council may appoint agents to assist in issuing development permits and to otherwise assist in the processing of applications.

12.20 Public Hearings

- (1) Mini-Hearings. For those uses listed as a Minor Conditional Use for a Minor Variance listed in this Ordinance, the following procedures for a hearing shall apply:
 - (a) Property owners within 100 feet of the requested land use action shall be sent a mailed notice seven (7) days prior to Planning Commission review;
 - (b) No legal notice in a newspaper of record is necessary under the mini-hearing process;
 - (c) The hearings procedures listed in Section 12.30 shall be used to conduct a mini-hearing;
 - (d) Failure of a person to receive a notice prescribed in this section shall not impair the validity of the hearing;
 - (e) The Planning Commission 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 shall be resumed shall be announced;
 - (f) If the City does not maintain professional planning assistance, the list of surrounding property owners required in (a) above must be submitted by the application with the application.
- (2) Other public hearings required by this Ordinance. Public hearings for a Major Conditional Use, Major Variance and amendments to this Ordinance or to the Zoning Map shall meet the following requirements:

- (a) Notice of a public hearing shall be mailed to all owners of property within 250 ft. of the property according to the latest assessment role in the County Assessor's Office, for which the land use action has been requested;
- (b) Each notice of a hearing listed above shall be published in a newspaper of general circulation in the city at least ten (10) days prior to the date of the 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 City Council or Planning Commission may recess a hearing 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 shall be resumed shall be announced.
- (f) If the City does not maintain professional planning assistance, the list of surrounding property owners required in (a) above must be submitted by the applicant with the application.

12.30 Conduct of Public Hearing. A public hearing required by this Ordinance shall be held pursuant to the requirements of this Ordinance in the following manner:

- (1) Nature and conduct of hearing:
 - (a) The Planning Commission or City Council, in conducting a hearing which will result in a determination as to the permissible use of specific property, are acting in an administrative, quasi-judicial capacity, and all hearings shall be conducted accordingly. Interested parties are therefore entitled to an opportunity to be heard, to be present, and rebut evidence to an impartial court, to have the proceedings recorded and to have a decision based only on evidence which is supported by findings of fact as a part of that record;
 - (b) No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing;
 - (c) No proponent or opponent shall speak more than once without obtaining permission from the presiding officer;

- (d) No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address;
 - (e) No person shall present irrelevant or repetitious testimony or evidence;
 - (f) There shall be no audience demonstrations, such as applause, cheering, display or signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing;
 - (g) The Planning Commission members or Council members may question and cross-examine any person who testifies.
- (2) Challenge for bias, prejudice or personal interest:
- (a) Any proponent or opponent of a proposal to be heard by the Planning Commission or City Council may challenge the qualifications of any of its members to participate in such hearing and decision. Such challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudice, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.
 - 1. Such written challenge must be delivered by personal service to the City Recorder, Chairman of the Planning Commission or Mayor, and to the Council member or Commissioner challenged not less than 48 hours preceding the time set for public hearing.
 - 2. Such challenge shall be incorporated into the record of the hearing.
 - (b) No Planning Commissioner or Council member shall participate in a hearing or a decision on a proposal when he:
 - 1. Is a party to or has a direct personal or pecuniary interest in the proposal;
 - 2. Is related to the proponent or opponent;
 - 3. Is in business with the proponent;
 - 4. For any other reason, has determined that he cannot participate in the hearing and decision in an impartial manner;
- (3) Presiding Officer
- (a) Chairman of the Planning Commission or Mayor or in his absence his designate shall be the presiding officer at all hearings. In their absence, or with their consent, the Commission or Council may designate one of its members to

act as presiding officer at any appropriate hearing. The presiding officer shall have the authority to:

1. Regulate the course and decorum of the hearing;
 2. Dispose of procedural requests or similar matters;
 3. Rule on offers of proof and relevancy of evidence and testimony;
 4. Take such other action authorized by the Commission or Council which is appropriate for conduct commensurate with the nature of the hearing;
 5. Impose time limits on those appearing before the Commission or Council.
- (4) Burden of proof: The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent.
- (5) Criteria: The following criteria and factors are deemed relevant and material shall be considered in reaching a decision on a proposal:
- (a) Conformance with the Comprehensive Plan and City Ordinance;
 - (b) Conformance with the criteria specifically listed in this Ordinance;
 - (c) Change in character of the neighborhood;
 - (d) Other factors which relate to how the public in general will benefit from the requested change as opposed to the cost the public would incur from the change.
- (6) Order of Procedure: The presiding officer, in the conduct of the hearing, shall:
- (a) Commence the Hearing: Announce the nature and purpose of the hearing and the rules for the conduct of the hearing;
 - (b) Call for Abstentions: Inquire of the Commission or Council whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing his abstention shall not participate in the hearing, participate in discussion of the question, or vote on the question.
 1. Any member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex-parte or pre-hearing contact from proponents or opponents may make

statement in response thereto or in explanation thereof, for the record, and state his decision to abstain or not. This statement shall not be subject to cross-examination, except upon consent of that member, but shall be subject to rebuttal by the proponent or opponent, as appropriate.

- (c) Objections to Jurisdiction: Inquire of the audience whether there are any objections to jurisdiction of the Commission or Council to hear the matter and, if such objections are received, conduct such further inquire as necessary to determine the question. The presiding officer shall terminate the hearing if his inquiry results in substantial evidence that the Commission or Council lacks jurisdiction or the procedural requirements of the Ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission or Council.
- (d) Staff Report: If the City maintains planning services, a representative appointed by the City shall summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the Planning Commission if the matter was heard by the Planning Commission, and provide such other information as may be requested by the Commission or Council.
- (e) Proponent's Case:
 - 1. The applicant-proponent shall first be heard on his behalf or by representative;
 - 2. Upon failure of applicant or his representative to appear at the hearing on his proposal, or upon his express waiver of presenting testimony and evidence, the Commission or Council shall consider the written application as presenting the applicant's case.
 - 3. Persons in favor of the proponent's proposal shall next be heard.
- (f) Cross-examination of Proponents: Allow opponents, upon recognition by the presiding officer, to submit questions to the proponent. Proponents shall be given a reasonable time to respond solely to the questions.
- (g) Opponents Case: Opponents shall be heard in the following order:

1. Neighborhood associations special organizations formed for the purpose of opposition, or other groups represented by counsel or a spokesman shall be allowed by the presiding officer to first proceed;
 2. Person who received notice of the hearing or who was entitled to receive notice of the hearing is presumed to have an interest in the proposal and shall next be heard;
 3. Person who did not receive notice and who was not entitled to notice shall next be heard.
- (h) Cross-examination of Opponents: Allow proponents, upon recognition of the presiding officer, to submit questions to the opponents. Opponents shall be given a reasonable time to respond solely to the questions.
- (i) Public Agencies: Allow representatives of any city, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to next be heard.
- (j) Rebuttal Evidence: Allow the proponent to offer rebuttal evidence and testimony, and the opponents to respond to such additional statements. The scope and extent of rebuttal shall be determined by the presiding officer.
- (k) Close of Hearing and Deliberation: The presiding officer shall conclude the hearing and the Commission or Council shall deliberate the proposal. Deliberations shall be open to public attendance. The Commission or Council shall either make its decision and state its finding, which may incorporate findings proposed by the proponent, opponents, the Planning Commission, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced.
- (7) Record of Proceedings:
- (a) A designee of the presiding officer shall be present at each hearing and shall provide that the proceedings be electronically or stenographically recorded.
 - (b) Written minutes of all meetings will be made which give a true reflection of matter discussed along with the views of the participants. Copies of all minutes will be made available to the public within a reasonable time after the meeting and will include the following information:
 1. Members present;

2. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 3. The results of all votes, and upon the request of a Commission or Council member, the vote of each member, by name;
 4. The substance of any discussion on any matter.
- (c) The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering and whether presented on behalf of the proponent or opponent. Such exhibits shall be retained by the City until after any applicable appeal period has expired, at which time the exhibit shall be released upon demand to the person identified thereon.
- (8) Review by the City Council:
- (a) The City Council, on its own motion, may review the action of the City Recorder, Zoning Administrator or Planning Commission. The motion to review the action shall be made and passed by a majority vote of the Council within fifteen (15) days of the decision of the City Recorder, Zoning Administrator or Planning Commission.
 - (b) The review shall be conducted in the same manner provided for in appeals.

12.40 Amendments

12.41 Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to a zone boundary may be initiated by the City Council, the City Planning Commission, an affected governmental unit, or by application of a property owner or resident of the City or urban growth area. The request for an amendment shall be accomplished by filing an application with the City Recorder.

12.42 Public Hearings on a Proposed Amendment. A public hearing shall be held by the Planning Commission with the public notice given as provided in Sections 12.20(2) and 12.30 on any proposed amendment to the Zoning Ordinance, at its earliest practicable meeting after the amendment is proposed. The Planning Commission shall, within ten (10) days after the hearing, recommend to the City Council approval, disapproval or conditional approval of the proposed amendment. After receiving the recommendation of the Planning Commission the City Council shall hold a public hearing as provided in Sections 12.20(2) and 12.30 on the proposed amendment before making a decision. Findings of fact upon which the decision was made shall be made a part of the record.

12.43 Record of Amendments. The City shall maintain a record of amendments to the text and maps of this Ordinance in a form convenient for use by the public.

12.44 Limitation on Reapplications. No application for an amendment to the text of this Ordinance or to a zone boundary shall be considered within the one-year period immediately following a previous denial of such request, except the City Council may permit a new application if in the opinion of the Planning Commission new evidence or a change of circumstances warrants it.

12.50 Time Limit on Final Action. Within 120 days of submission of an application for a Development Permit, Minor Conditional Use, Major Conditional Use, Minor Variance, Major Variance, or Amendment, the City shall have rendered a final decision. An application shall be considered submitted when the City Recorder or Zoning Administrator certifies that the application is complete and meets the requirements of this Ordinance for submitting an application.

12.60 Form of Petition and Application. Petitions and applications provided for in this Ordinance shall be made on forms prescribed by the City. Applications shall be accompanied by a written justification explaining how the request meets the requirements of this Ordinance, and by plans and specifications, drawn to scale, showing the following:

- (1) Actual shape and dimensions of the site.
- (2) The size and location of all existing and proposed structures.
- (3) Existing land forms and land uses in the surrounding area.
- (4) Relative size and location of major arterial and local roads.
- (5) Access points adjoining streets and areas designated for off-street parking and loading.
- (6) Proposed road and lot layout.
- (7) Location of water and sewer lines, or extensions of necessary community facilities.
- (8) Such other information as needed in order to determine conformance with this Ordinance, including but not limited to the list of surrounding property owners if the applicant is required to provide the list.

12.70 Appeals

- (1) An appeal from the ruling of the City Recorder or Zoning Administrator regarding a requirement of this Ordinance may be made only to the Planning Commission and must be made 15 days from the date of the decision.
- (2) An action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City

Council within 15 days after the Planning Commission has signed its Findings of Fact and Conclusions of Law. Written notice of the appeal shall be final. If the appeal is filed it shall be in writing stating the reasons for appeal pursuant to the requirements of this Ordinance. The City Council shall receive the written findings of the decision and the minutes from the Planning Commission hearing and shall hold a public hearing on the appeal. The Planning Commission report shall be read into the record of the public hearing. The Council may amend, rescind, affirm or remand the action of the Planning Commission.

12.80 Filing Fees. An application required by this Ordinance shall be accompanied by a filing fee in the amount as established by resolution of the City Council. A filing fee under this Ordinance may be waived by the City Council where strict application of this Ordinance would result in the payment of a double fee for a single event.

ARTICLE 13. INTERPRETATION AND ENFORCEMENT

13.10 Interpretation. Words used in the present tense include the future, the singular form includes the plural, and plural includes the singular. Where a provision of this Ordinance is less restrictive than a provision of another ordinance or requirement of the City, the provision which is more restrictive shall govern.

13.20 Authorization of Similar Uses. The City Council may rule that a use not specifically listed among the allowed uses in a zone shall be permitted as an allowed use, if it is similar to the allowed uses in the zone, if its effect on adjacent properties is substantially the same as that of allowed uses, and if it is not specifically listed as an allowed use in another zone.

13.30 Penalty. A person violating a provision of this Ordinance shall, upon conviction, pay the City Attorney's fees incurred and a fine of not more than \$1,000.00. A violation of this Ordinance shall be considered a separate offense for each day that the violation continues. In the alternative, where a use exists or is proposed to be located, constructed, repaired, altered or used in violation of this Ordinance, the City may institute injunction, abatement or other appropriate proceedings to prevent, abate or remove such use.

13.40 Severability. The provisions of this Ordinance are severable. If an article, sentence, clause or phrase shall be adjudged by a court of competent jurisdiction to be invalid the decision shall not affect the validity of the remaining portions of this Ordinance.

Emergency Clause. Inasmuch as it is necessary for the health, peace and safety of the inhabitants of the City of Pilot Rock that this ordinance have immediate effect, an emergency is hereby declared to

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exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval of the Mayor.

Passed by the Council and approved by the Mayor this 17 day July, 2001.

APPROVED Don Bensel, Mayor

ATTEST Jackie Carey, City Recorder