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May 31, 2022

City of Moro
Planning Commission
104 First Street
Moro, Oregon 97039

Reference: Zoning Ordinance Update
Staff Report

Report Prepared by: Kirk Fatland, Contract Planner
Applicant: City of Moro
Procedure Type: Legislative
Decision Date: June 7, 2022

Request: The purpose of the Hearing is to consider a text amendment to the Moro Zoning Ordinance. The proposed amendment has been initiated by the City Council and is intended to be an overall update to the Zoning Ordinance. In general, the standards for the Residential and Commercial Zones are proposed to be updated to include the allowance of additional uses as well as more specific criteria.

Background Information:

Notice: The requisite notices were published in the Times-Journal.

Comments Received: No public comments were received by the writing of this report.

ARTICLE 7 - AMENDMENTS

SECTION 7.1 FORMS OF AMENDMENTS.

(1) *An amendment to this Ordinance may take the following forms:*

(A) *Amendment to the text. (Legislative Revision)*

FINDING: The proposed update will amend the text of the current adopted Zoning Ordinance and will be processed as a Legislative Revision.

SECTION 7.2 LEGISLATIVE REVISIONS.

- (1) *Proposed amendments to this Ordinance shall be deemed legislative revisions if;*
 - (A) *The proposed amendment involves the text of this Ordinance and/or;*
 - (B) *The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.*

FINDING: The proposed amendment affects only the text of the ordinance and is to be processed as a Legislative Revision.

- (2) *Legislative revisions shall be initiated by:*
 - (A) *A resolution of a majority of the City Council*
 - (B) *The request of the City Attorney*
 - (C) *The request of the City Planner*

FINDING: The proposed revisions have been initiated by the City Council.

SECTION 7.4 - PROPOSED AMENDMENTS. *The City Council shall hold a public hearing on all changes to the Comprehensive Plan, Zoning Ordinance text and Plan/Zone Map. All proposed amendments shall be processed in accordance with the public hearing procedures under Section 8.5 of this Article. Text and Map amendments shall also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for final action except as provided for under ORS 197.610.*

- (1) *The following criteria must be followed in deciding upon a quasi-judicial proceedings.*

FINDING: The proposed zoning ordinance update is a Legislative Revision.

- (A) *The applicant must show that the proposed change conforms with the Comprehensive Plan. (Ord No. 250)*

FINDING: The Comprehensive Plan goals are individually addressed below.

Goal 1. Citizen Involvement.

FINDING: The City of Moro has designated the City Council the Committee for Citizen Involvement. Public notices for the hearing were placed in the local newspaper, and notices posted on the local public bulletin boards, including City Hall and the Post Office. A public hearing will be held on June 7, 2022 allowing for citizen involvement in this process. The proposal complies with Goal 1.

Goal 2. Land Use Planning.

FINDING: The City, as the applicant is following the City's adopted land use regulations and procedures. The proposal complies with Goal 2.

Goal 3. Agricultural Lands.

FINDING: The Zoning Ordinance affects only the land within the City's Adopted and Acknowledged Urban Growth Boundary. Goal 3 does not apply.

Goal 4. Forest Lands.

FINDING: There are no forest lands within or adjacent to the City of Moro. Goal 4 does not apply.

Goal 5. To Conserve open space and protect natural and scenic resources.

FINDING: The proposed revision would have no impact on open space or protected natural and scenic resources.

Goal 6. Air, Water, and Land Resource Quality.

FINDING: The proposed revision clarifies existing criteria in the Zoning Ordinance and allows for additional flexibility for future development. The revision will have no negative impacts on air, water or land resource quality.

Goal 7. Areas subject to natural hazards.

FINDING: No revisions have been proposed to the sections of the Zoning Ordinance addressing areas subject to natural hazards. All areas subject to flooding, as determined by FEMA must comply with the City's relevant ordinances and policies.

Goal 8. Recreational needs.

FINDING: The proposed revision will have no impact on the recreational needs within the City. No amendments are proposed to Open Space/Public Facilities Zone.

Goal 9. Economic Development.

FINDING: The proposed revision intendeds to enhance the possibility of economic development by increasing the types of development allowed in the Residential and Commercial Zones and clarifying criteria to be clear and objective. The proposal complies with Goal 9.

Goal 10. Housing.

FINDING: The proposed revision specifically addresses the urgent need for housing within the City and throughout the region. In particular, the revision allows for expanded options for middle-housing such as duplexes, triplexes, fourplexes, and accessory dwelling units.

Goal 11. Public Facilities and Services.

FINDING: The proposed revision will have no immediate impact on public facilities or services. All future applications for development will be required to have adequate services prior to occupancy.

Goal 12. Transportation.

FINDING: The proposed amendment would have no impact on transportation within the City. The

proposal complies with Goal 12.

Goal 13. Energy Conservation.

FINDING: The proposed revision would not generate any significant change in energy use. The Proposal complies with Goal 13.

Goal 14 Urbanization.

FINDING: The proposed revision is intended to allow further urbanization within the City Limits. There is a surplus of vacant residential land as well as vacant commercial structures and land within the City. The proposed revision is intended to reduce bureaucratic friction, allowing development of these sites as necessary. With the understanding that the City is unable to expand outwards, the proposed revision seeks to increase the development potential of land within the City, in particular residential and commercially zoned lands.

**2022 UPDATE OF
CITY OF MORO**

Ordinance No. 272

ZONING ORDINANCE

AN ORDINANCE REPEALING AND REPLACING THE TEXT OF ORDINANCE NO. 241,
THE CITY OF MORO ZONING ORDINANCE AND ALL AMENDMENTS THERETO.

The City of Moro, Oregon, ordains as follows:

**ARTICLE 1
INTRODUCTORY PROVISIONS**

SECTION 1.1 - TITLE. This ordinance shall be known as the City of Moro
Zoning Ordinance.

SECTION 1.2 - PURPOSE.

- (1) To implement the Moro Comprehensive Plan as adopted by the Moro City Council.
- (2) To comply with ORS Chapter 227 and 197.
- (3) To promote the public health, safety and welfare of the citizens of the City of Moro.
- (4) To repeal and replace ordinance No. 86, including Ordinances No. 142, 222, 225, 231, 235 and 1988-2.

SECTION 1.3 - DEFINITIONS. As used in this ordinance the singular includes the plural and the masculine include the feminine and neuter. The word "may" is discretionary; the word "shall" is mandatory. The following words and phrases shall mean:

- (1) ACCESS. A way or means of approach to provide pedestrian, bicycle, or

- motor vehicular entrance or exit to a property.
- (2) 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.
- (3) ACCESS CONNECTION. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
- (4) ACCESS MANAGEMENT. The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity, and speed.
- (5) ACCESSORY DWELLING. An attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
- (6) ACCESSORY USE OR ACCESSORY STRUCTURE. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- (6) ACCESSWAY. A walkway, as opposed to a sidewalk, is not adjacent to a road and provides a pedestrian and bicycle connection either between roads or from a road 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.
- (8) ALLEY. A street which affords only a secondary means of access to the property.
- (9) AUTOMOBILE WRECKING YARD. Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.

- (10) APARTMENT. A building (or portion thereof) containing five or more dwelling units.
- (11) BUILDING. A structure or mobile home unit built for the support, shelter or the enclosure of persons, animals, chattels, or property of any kind.
- (12) CHURCH. A building or edifice used primarily for religious worship.
- (13) CITY. City of Moro.
- (14) CITY COUNCIL. Moro City Council.
- (15) COMMERCIAL OR COMMERCIAL USE. Any activity involving the sale of goods or services for profit.
- (16) COMMERCIAL AMUSEMENT. Any activity for which the primary purpose is to provide amusement or recreational activities for a profit. Examples include a bowling alley, movie theater, arcade or skating rink.
- (17) CONTIGUOUS LAND. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access right-of-way which would deny access between the two parcels under single ownership).
- (18) CORNER CLEARANCE. The distance from a public or private road intersection 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.
- (19) CROSS ACCESS. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
- (20) DUPLEX. Two dwelling units on a lot or parcel in any configuration (detached or attached). In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.
- (21) DWELLING UNIT. A single independent unit providing complete living

facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For the purposes of this definition, "independent" means the dwelling unit:

- (a) Is detached from any other dwelling unit or is separated from any other dwelling unit by an approved fire separation as required under the Building Code;
 - (b) Includes a kitchen area with a sink and an approved electrical service connection for a stove or range; and
 - (c) Does not have a direct interior connection to any other dwelling unit, but may have fire-separated access to a common facility shared with any other dwelling unit
- (22) 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.
- (23) FAMILY. Means one or more persons, excluding servants, related by blood, marriage, legal adoption, or legal guardianship, occupying a single non-profit housekeeping unit and using common housekeeping facilities; a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit and using common housekeeping facilities.
- (24) FARM USE. The current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or horticultural. It includes the preparation and storage of products raised on such land for man's use and animal use and disposal by marketing or otherwise.
- (25) Fourplex. Means four dwelling units on a lot or parcel in any configuration.
- (26) 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.
- (27) FUNCTIONAL AREA (INTERSECTION). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
- (28) FUNCTIONAL CLASSIFICATION. A system used to group public

roadways into classes according to their purpose in moving vehicles and providing access.

- (29) HOME OCCUPATION. The lawful occupation carried on by a resident of a dwelling as an accessory use solely within the same dwelling, provided:
- (a) There is no more than one additional person employed other than the resident of the dwelling;
 - (b) The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution, and
 - (c) The business owner obtains the appropriate business license from the City of Moro.
- (30) INDUSTRIAL. The making of commodities by manufacturing, assembling, fabrication, generating or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.
- (a) *Light Industrial*. Those activities listed above which occur totally within an enclosed structure. There is not odor, vibration, dust, or noise discernable to the human sensory perception beyond the exterior walls of the structure.
 - (b) *Heavy Industrial*. Those activities listed above which can occur outside an enclosed structure. The uses include outside storage, loading, and unloading, stockpiling, etc. for which there is not odor, vibration, dust, or noise discernable to the human sensory perception beyond the property line of the site.
- (31) JOINT ACCESS (OR SHARED ACCESS). A driveway connecting two or more contiguous sites to the public street system.
- (32) LOT. 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.

- (33) LOT AREA. The total area of the lot measured in the horizontal plane within the lot boundary lines.
- (34) LOT, CORNER. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.
- (35) LOT DEPTH. The average distance measured from the front lot line to the rear lot line.
- (36) LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.
- (37) LOT FRONTAGE. That portion of a lot extending along a street right-of-way.
- (38) LOT LINE, FRONT. The line on the lot facing the street from which the access to the lot is commonly made.
- (39) LOT, THROUGH (or Double Frontage Lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.
- (40) LOT WIDTH. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
- (41) MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed after June 15, 1976, and met the construction requirements of Oregon Mobile Home Law in effect at the time of construction.
- (42) MOBILE HOME PARK. Any privately owned place where two or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.
- (43) MULTIPLE FAMILY DWELLING. Dwelling designed or intended for the residence of three or more families.

- (44) NON-CONFORMING ACCESS FEATURES. Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.
- (45) NON-CONFORMING STRUCTURE OR USE. A lawfully existing structure for use 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.
- (46) OWNER. A person, his authorized agent or representative having legal authority to use, transfer or lease land.
- (47) PARCEL. A division of land comprised of one or more lots in contiguous ownership.
- (48) PERSON. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
- (49) PLAT. An exact and detailed map of the subdivision of land.
- (50) PLOT PLAN. A drawing indicating the location of existing and proposed structures on a lot or parcel together with other site information as required.
- (51) PRIVATE ROAD. A road not under the jurisdiction of a public body that provides the principal means of access to an abutting property.
- (52) PUBLIC ROAD. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
- (53) 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 of Moro.
- (54) RECREATIONAL VEHICLE. A vehicle or structure designed for highway use that is intended or used for human occupancy, is not being used for residential or business purposes, and is being used solely for vacation and recreational purposes.
- (55) RESIDENTIAL USE. A structure or use designed or used for occupancy

as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.

- (56) RIGHT-OF-WAY. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose.
- (57) PARKING PLACE. A rectangular area not less than 20 feet long and 10 feet wide, together with maneuvering and access space for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.
- (58) SETBACK. An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.
- (59) SHORT-TERM RENTAL. Means the renting of a dwelling unit including any accessory guest house on the same property to any person(s) on a day-to-day basis for a period of time up to 30 consecutive nights.
- (60) SIGN. An outdoor display, message, emblem, device, figure, painting drawing placard, poster, bill board or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.
- (61) 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.
- (62) STREET. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road,

highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.

- (63) STRUCTURE. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
- (64) 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.
- (65) SUBSTANTIAL ENLARGEMENTS OR IMPROVEMENTS. An increase in existing square footage or increase in assessed valuation of the structure of 25% or more in the square footage or assessed value.
- (66) TOWNHOME. A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).
- (67) TRACT OR AREA. The area within a measurable boundary of land or contiguous parcels of land.
- (68) TRIPLEX. Means three dwelling units on a lot or parcel in any configuration.
- (69) USE. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
- (70) YARD. An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
- (71) YARD, FRONT. A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.
- (72) YARD, REAR. Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
- (73) YARD, SIDE. The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

**ARTICLE 2
BASIC PROVISIONS**

SECTION 2.1 - COMPLIANCE WITH ORDINANCE PROVISIONS.

- (1) The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.

- (2) A building permit is required for all structures containing more than 200 square feet. In order to obtain the City approval of a building permit, a plot plan must be prepared and presented, along with the building permit application to the City Recorder. The plot plan shall include the lot dimensions; proposed and existing structures, including dimensions and height of building; proposed and existing setbacks from all property lines; driveway location and off street parking area; water and sewer locations; and sidewalk locations. Sample plot plans are available at City Hall.

SECTION 2.2 - ESTABLISHMENT OF LAND USE ZONE. This ordinance hereby establishes the following land use zones for the City.

ZONE	ABBREVIATED DESIGNATIONS
Residential 5,000 square feet minimum lot area	R-5
Agricultural one acre minimum lot area	A
Commercial	C
Industrial	M

SECTION 2.3 - LOCATION OF ZONES.

- (1) The boundaries of the zones listed in this ordinance are indicated on the Moro zoning map, which is available in City Hall.

SECTION 2.4 - ZONING MAP.

- (1) The Zoning Map of the city of Moro is enclosed in this ordinance as Appendix I and incorporated herein. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

SECTION 2.5 - ZONING BOUNDARIES.

Unless otherwise specified, zone boundaries are center lines of streets, Lot lines, or city limits lines.

**ARTICLE 3
LAND USE ZONES**

SECTION 3.1 - RESIDENTIAL ZONE "R-5"

USES. Unless otherwise specified, only one single family dwelling per lot or parcel shall be permitted. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R-5" Residential Zone shall comply with the following regulations:

A. PERMITTED USES:

- (1) Single family dwellings.
- (2) Duplexes, Triplexes, and Fourplexes meeting the criteria of Section 4.12.
- (3) Accessory dwelling units meeting the criteria of Section 4.13.
- (4) Townhomes meeting the criteria of Section 4.14.
- (5) Short-term rentals meeting the criteria of Section 4.15.
- (6) Home Occupations as defined.
- (7) Public parks, public recreation areas and community or neighborhood centers.
- (8) Mobile homes meeting the criteria of Section 4.7.
- (9) Accessory uses and buildings customarily incidental and subordinate to the above uses and conforming with Section 3.1 (G).

- (10) Name plates and signs. One non-illuminated name plate not to exceed one and one-half square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- (11) Transportation Improvements (Ord No. 250)
- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 - b. Construction of rest areas, weigh stations within existing rights-of-way.
 - c. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
 - d. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
 - e. Landscaping as part of a transportation facility.
 - f. Emergency measures necessary for the safety and protection of property.
 - g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
 - h. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

B. CONDITIONAL USES. Permitted with approval of the City Council in

accordance with Section 5.1.

- (1) Churches
- (2) Mobile Home Park meeting the criteria of Section 4.8.
- (3) Public schools and libraries
- (4) Apartments, five or more dwelling units
- (5) Lodge for civic or fraternal organization carrying on no commercial activity
- (6) Necessary public utilities and public services, state service buildings, and county service buildings.
- (7) Prisons, jails and or correctional facilities
- (8) Private recreation areas.
- (9) Similar uses as authorized by the City Council
- (10) Transportation Improvements (Ord No. 250)
 - a. 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. Transportation projects 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 Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 2. The project is designed to minimize unavoidable

environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 4. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- b. 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.
 - c. 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.
- C. HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.
- D. AREA.
- (1) Front Yard. There shall be a front yard of not less than 15 feet in depth. Non-enclosed structures such as stairs, decks, or porches may encroach 5 feet into the required setback area, must maintain a minimum of 10 feet from the lot line.
 - (2) Side Yard. On interior lots, there shall be a side yard on each side of the main building and each side yard shall have a width of not less than 5 feet in width. On corner lots the interior side yards shall have a width of not less than 5 feet but the side yard on the street side of such corner lot shall not be less than 10 feet in width.
 - (3) Rear Yard. There shall be a rear yard of not less than 20 feet in depth.

- (4) Lot Area. Every lot shall have a minimum average width of not less than 50 feet and an area of not less than 5,000 square feet.

E. PARKING REGULATIONS.

- (1) Dwellings. One parking space shall be provided for each dwelling unit. This criterion may be met either by providing the required parking space on the lot or, on-street parking meeting the following criteria:
 - a. The space must be a minimum of 22 feet long.
 - b. The space must be abutting the subject site; and
 - c. The space must not obstruct a vision clearance area
- (2) Uses Other Than Dwellings. Churches, lodges for civic and fraternal organizations; one parking space shall be provided for each four seats in the main assembly room, or one parking space for each 30 square feet of floor space within the main assembly room.

F. Required Design Features

- (1) Entry orientation. The main entrance for each dwelling unit must be within eight feet of the street-facing façade and either:
 - a. Face the street; or
 - b. Open onto a porch with at least one entrance facing the street
- (2) A minimum of 15 percent of the area of the street facing facade must be windows or a main entrance door. Windows in garage doors do not count toward meeting this standard.

G. ACCESSORY STRUCTURES. Detached accessory structures or uses larger than 200 square feet must meet all of the following requirements.

- (1) Setbacks
 - a. Must be located a minimum of five feet behind the street facing façade of the primary structure.
 - b. Must be located not less than five feet from the primary

structure.

- c. Shall be located not less than five feet from the side or rear lot lines.

(2) Size and Design

- a. Have a maximum height of 16 feet, measured to the eave.
- b. Accessory dwelling units meeting the design standards of Section 3.1 (F) may be constructed to a maximum height of 2 ½ stories or 35 feet.

- F. PUBLIC UTILITY REQUIREMENTS. Before any dwelling is occupied, it must be connected to the City water and sewer systems.

SECTION 3.2 - AGRICULTURE ZONE "A"

USES. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "A" Agriculture Zone shall comply with the following regulations:

A. PERMITTED USES.

- (1) Farm use as defined
- (2) Farm dwellings or dwellings for owners, operators, and farm employees
- (3) Public parks, public recreation areas and community centers
- (4) Accessory building customarily provided in conjunction with farm use
- (5) Transportation Improvements (Ord No. 250)
 - a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 - b. Construction of rest areas, weigh stations within existing rights-of-way.
 - c. Installation of culverts, pathways, medians, fencing,

guardrails, lighting, and similar types of improvements within the existing right-of-way.

- d. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- e. Landscaping as part of a transportation facility.
- f. Emergency measures necessary for the safety and protection of property.
- g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
- h. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

B. CONDITIONAL USES. Permitted with approval of the City Council in accordance with Section 5.1.

- (1) Facilities necessary for public utilities and services, state service buildings, and county service buildings.
- (2) Prisons, jails and or correctional facilities.
- (3) Non-farm single farm dwellings including mobile homes meeting the criteria of Section 4.7, on a minimum one acre tract.
- (4) Home occupation.
- (5) Transportation Improvements (Ord No. 250)
 - a. 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. Transportation projects 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 Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 2. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 4. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- b. 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.
- c. 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.

C. AREA.

- (1) The minimum lot size shall be one acre.
- (2) Front Yard. There shall be front yard of not less than 30 feet in depth.

- (3) Side Yard. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 15 feet.
 - (4) Rear Yard. There shall be a rear yard of not less than 30 feet in depth.
- D. HEIGHT. Buildings, and structures or portions thereof shall not be erected to exceed a height of 35 feet excluding agriculture storage facilities.
- E. PARKING REGULATIONS.
- (1) Dwellings. One parking space shall be provided for each dwelling unit. This criterion may be met either by providing the required parking space on the lot or, on-street parking meeting the following criteria:
 - a. The space must be a minimum of 22 feet long.
 - b. The space must be abutting the subject site; and
 - c. The space must not obstruct a vision clearance area
 - (2) All equipment shall be stored on the property in compliance with yard requirements.
- F. PUBLIC UTILITY REQUIREMENTS. Before any dwelling is occupied, it must be connected to the City water and sewer systems.

SECTION 3.3 -COMMERCIAL ZONE "C"

A plot plan and the appropriate business license shall be required for all proposed Commercial Uses.

USES. Buildings and structures hereafter erected, structurally altered, enlarged, moved land hereafter used in the "C" Commercial Zone shall comply with the following regulations:

A. PERMITTED USES.

- (1) Retail trade establishments in which operation takes place within an enclosed building, except those uses specifically listed as Conditional

Uses. in Section 3.3(B).

- (2) Business, governmental, professional office.
- (3) Public park, public recreation areas and community center.
- (4) Transportation Improvements (Ord No. 250)
 - a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 - b. Construction of rest areas, weigh stations within existing rights-of-way.
 - c. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
 - d. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
 - e. Landscaping as part of a transportation facility.
 - f. Emergency measures necessary for the safety and protection of property.
 - g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
 - h. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

B. CONDITIONAL USES. Permitted with approval of the City Council in accordance with Section 5.1.

- (1) Retail trade establishments at which operation takes place outside a

wholly enclosed building.

- (2) Churches
- (3) Taverns
- (4) Commercial amusement
- (5) Dwelling unit(s) located on second floor above a commercial use.
- (6) Agricultural support services including produce storage facilities.
- (7) Similar uses as authorized by the City Council.
- (8) Transportation Improvements (Ord No. 250)
 - a. 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. Transportation projects 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 Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 2. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

4. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
 - b. 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.
 - c. 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.
- C. HEIGHT. Buildings, structures, portions thereto shall not be erected to exceed a height of two and one-half stories or 35 feet.
- D. SETBACK REQUIREMENTS. In the Commercial Zone setbacks shall not be required as long as fire and building codes are met. Commercial structures must not be setback more than ten feet from the front property line.
- E. FRONTAGE REQUIREMENTS. This section applies to all new buildings in the Commercial Zone.
 - (1) Primary pedestrian access must be provided from a sidewalk located in front of the commercial building. Secondary entrances may be provided from side or rear parking areas.
 - (2) All buildings shall have at least one primary pedestrian entrance facing an abutting street. A pedestrian walkway must connect the primary entrance to the sidewalk.
 - (3) All vehicle access (i.e., garage doors) must access the building from a side street or alley where practical.
 - (4) Blank wall space (including garage doors) must not exceed thirty feet along sidewalks. (i.e., windows and/or doors are required to break up blank walls.)
 - (5) Thirty percent or more of the ground floor façade must be transparent

(i.e., windows and/or doors without tinting.)

- (6) A minimum of seventy percent lot width is encouraged for structures in the Commercial Zone.

E. PARKING REGULATIONS.

- (1) Off-Street Parking. Off-street parking is not required for structures in the Commercial Zone.

- a. Off-street parking may not be located in front of a commercial building where practicable.
- b. Where possible, off-street parking must be accessed from an alley or driveway from an adjacent side street.

- F. PUBLIC UTILITY REQUIREMENTS. Before any structure is occupied, it must be connected to the City water and sewer systems.

- G. SIGNS. Signs shall pertain only to goods and services sold on the premises. Signs are permitted in a ratio of one square foot of sign area to each linear foot of property frontage.

SECTION 3.4 – INDUSTRIAL “M”.

USES. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the “M” Industrial Zone shall comply with the following regulations:

A. PERMITTED USES.

- (1) Those uses permitted in the C-1 Zone, Section 3.3 (A)
- (2) Heavy and light industrial as defined, which take place wholly within an enclosed building.

B. CONDITIONAL USES.

- (1) Those uses listed as Conditional Uses in the C-1 Zone, Section 3.3 (B).

- (2) Light and heavy industrial uses as defined, which take place outside an enclosed building.
- C. HEIGHT. Building, structures, or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.
- D. SETBACK REQUIREMENTS. In the Industrial Zone setbacks shall be as follows:
 - (1) No front yard setback is required.
 - (2) No buildings shall be constructed or located closer than six (6) feet from the rear lot line.
 - (3) Interior side yard setback shall be six (6) feet.
 - (4) No building shall be closer to a lot in a residential or agricultural zone than a distance equal to the height of the building or fifty (50) feet, whichever is greater.
 - (5) Setbacks along Highway 97 shall be a minimum of 30 feet and shall incorporate the use of screening material by either fencing or landscaping or a combination of both to provide adequate screening of the site from Highway 97. No outdoor storage areas can be visible from the Highway.
- F. HOURS OF USE. The City Council may limit the hours of traffic if it deems that the proposed use will create a conflict with peak hours of High School traffic.

**ARTICLE 4
SUPPLEMENTARY PROVISIONS**

SECTION 4.1 - MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

SECTION 4.2 - ACCESS. Every lot shall abut a street, other than an alley, for at least 25 feet.

SECTION 4.3 - GENERAL PROVISIONS REGARDING ACCESSORY USES. An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

SECTION 4.4 - FENCES. A fence or hedge within a front yard or a street side yard shall not exceed an elevation of six feet above the street curb elevation.

SECTION 4.5 - RIPARIAN HABITAT PROTECTION. 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.

SECTION 4.6 - HISTORIC AREAS, SITES, STRUCTURES AND OBJECTS. The City Council in a public meeting shall review any application for the demolition or major exterior alteration involving an historic area, site, structure, or object, as designated by the Comprehensive Plan. The Council shall determine if the proposed demolition or major exterior alteration is in conformance with the historic preservation factors of this ordinance.

Demolition Procedure

If it is determined the Land Use action will result in the demolition or extensive exterior modification of any historical building, the City Council shall review the application, taking into account the following:

- (1) State of repair of the building
- (2) The reasonableness of the cost of restoration or repair
- (3) The purpose of preserving such designated historical building and sites
- (4) The character of the neighborhood
- (5) All other factors the City Council feels are appropriate

Following the review, the City Council may approve or deny the permit for Land Use action or delay action for sixty (60) calendar days to allow cognizant agencies to explore alternatives. If no suitable alternatives are available, the permit may be issued. The City Council, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) calendar days.

Major Exterior Alteration Procedure

Exterior alterations shall be in accordance with the following:

- (1) Upon receipt of an application for a major exterior alteration of an historic structure listed in the Comprehensive Plan, the City Council, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historic significance contained in the Comprehensive Plan.
- (2) Major exterior alterations as defined by this section include any change or alteration of a facade, texture, design, materials, fixtures or other treatment.
- (3) All applications for major exterior alteration shall be accomplished by plans and specifications of the proposed alteration. The City Council may request additional sketches and other information deemed necessary to make an informed decision.
- (4) In order to approve the application, the City Council shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture and construction materials and/or find the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the City Council deems it necessary to achieve the above objectives. The City Council shall disapprove the request if the proposal would reduce the resource's value or historic significance.

Conditions attached to a permit for major exterior alteration of an historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures or other facade or surface treatments which are inconsistent with the integrity of the historic values being preserved.

The City Council shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

- (5) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions.

SECTION 4.7 - MOBILE HOME SITING CRITERIA FOR UNITS PLACED UPON

INDIVIDUAL LOTS OR PARCELS.

- A. The mobile home shall have been constructed after June 15, 1976, and meet the construction requirements of Oregon Mobile Home Law in effect at time of construction. The mobile home shall be placed and all of the following conditions, except (F) shall be met within sixty (60) calendar days of the issuance of the mobile home placement permit, unless an extension of time is granted by the City Council.
- B. The mobile home shall be multi-sectional and enclose a space of not less than 864 square feet.
- C. The mobile home shall be placed on an excavated and backfilled concrete, concrete block or masonry foundation and enclosed at the perimeter such that the mobile home including a basement installation is located not more than 12 inches above grade. Mobile homes may be placed upon a daylight basement foundation provided the mobile home is placed no more than 12 inches above grade on the uphill side of the lot.
- D. The mobile home shall have a pitched roof, which shall have a slope which is a minimum 2 feet 6 inches in height for each 12 feet in width.
- E. The mobile home shall have horizontal lap type exterior siding. The exterior siding and roofing shall be similar in color, material, and appearance to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the City.
- F. Mobile homes shall be provided with skirting within twenty-five (25) calendar days after issuance of the mobile home placement permit, unless an extension of time is granted by the City Council. The skirting shall be either concrete, concrete block, or masonry materials, or a non-corrosive, non-combustible material which matches the exterior color and texture of the mobile home.
- G. If a garage or carport is constructed in conjunction with a mobile home placement, it shall be constructed with similar or like materials.

SECTION 4.8 - MOBILE HOME PARK IMPROVEMENT STANDARDS.

- A. Mobile homes shall be provided with skirting within twenty-five (25) calendar days after placement in the park.

- B. Mobile homes and accessory building within a mobile home park shall not be closer than 10 feet from an exterior boundary line nor closer than 25 feet to a dedicated public street.
- C. Underground utilities shall be required where practicable.
- D. A six-foot sight-obscuring fence or screening along the exterior boundary of the park shall be required.
- E. The mobile home park streets shall have an improved, paved width of 24 feet.

SECTION 4.9 – ADDITIONAL CONDITIONS TO DEVELOPMENT PROPOSALS.
The City may require additional conditions for development proposals. (Ord No. 250)

- A. The proposed use shall not reduce the level of service (LOS) below a D rating for the public transportation system. For developments that are likely to generate more than a V/C ratio of 75 or greater, the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.
- B. The determination of the scope, area, and content of the traffic impact study shall be coordinated with the provider of the affected transportation facility, i.e. city, county, or state.
- C. Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.
- D. Construction of the developer's fair share of improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or roads that serve the proposed use where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.

SECTION 4.10 – ACCESS MANAGEMENT. (Ord No. 250)

- A. GENERAL. The intent of this section is to manage access to land

development to preserve the transportation system in terms of safety, capacity, and function. This ordinance shall apply to all arterials and collectors within the City of Moro and to all properties that abut these roadways. This ordinance is adopted to implement the access management policies of the City of Moro as set forth in the Transportation System Plan.

B. CORNER CLEARANCE.

- (1) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

Functional Classification	Access Category	Urban/Rural	Intersection				Signal Spacing	Median Control
			Public Road		Private Drive			
			Type	Spacing	Type	Spacing		
Arterial ¹	Urban/Other	U	At grade	770 ft			NA	NA
Collector	NA	R	At grade	700 ft	Lt./Rt. Turns	1,200 ft.	NA	NA
Local Street	NA	R	At grade	200-400 ft	Lt./Rt. Turns	Vary	NA	NA

- (2) It should be noted that existing developments and legal accesses on the transportation network would not be affected by the recommended access management standards until one or more of the following actions is taken:
 - a. Either a land use action is proposed,
 - b. A safety or capacity deficiency is identified that requires specific mitigation,
 - c. A specific access management strategy/plan is developed,
 - d. Redevelopment of existing properties along the highway occurs, or
 - e. A major construction project is begun on the street.
- (3) New connections shall not be permitted within the functional area of

¹ Management of access to State Highway is controlled by Oregon Department of Transportation. The 1999 Highway Plan and OAR 734.051. *Deviations to access standards may be granted following the processes outlined in the Oregon Administrative Rules*

an intersection or interchange as defined in paragraph 1 above, unless no other reasonable access to the property is available.

- (4) Where no other alternatives exist, the City 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.

C. JOINT AND CROSS ACCESS.

- (1) Adjacent commercial or office shall provide a cross access drive and pedestrian access to allow circulation between sites.
- (2) A system of joint use driveways and cross access easements shall be established wherever feasible.
- (3) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- (4) Pursuant to this section, property owners shall:
 - a. 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;
 - b. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- (5) The City may reduce required separation distance of access points on streets under the City's jurisdiction where they prove impractical, provided all of the following requirements are met:
 - a. Joint access driveways and cross access easements are provided in accordance with this section.
 - b. The site plan incorporates a unified access and circulation

system in accordance with this section.

- c. 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.

- (6) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

D. ACCESS CONNECTION AND DRIVEWAY DESIGN.

- (1) Driveways shall meet the following standards:
 - a. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and a maximum width of 12 feet and shall have appropriate signage designating the driveway as a one-way connection.
 - b. For two-way access, each lane shall have a minimum width of 16 feet and a maximum width of 24 feet.
- (2) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view of the street for a distance based on the stopping distance of a vehicle traveling at the posted speed of the street. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
- (3) The length of driveways shall be designed in accordance with the anticipated storage length needed for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on-site circulation.

E. REQUIREMENTS FOR PHASED DEVELOPMENT PLANS.

- (1) 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.

- (2) All access must be internal to the development 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.

F. REVERSE FRONTAGE.

- (1) Lots that front on more than one road shall be required to locate motor vehicle accesses on the road with the lower functional classification.
- (2) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the appropriate local jurisdiction or state agency and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located with the public right-of-way.

G. SHARED ACCESS.

- (1) Subdivisions with frontage on the state highway system with no reasonable alternate means of access shall be designed into shared access points to and from the highway. If access off of a secondary road is possible, then direct access may not be allowed onto the state highway. If access off of a secondary road becomes available, then conversion to that access is required, along with closing the state highway access.

H. LOT WIDTH-TO-DEPTH RATIOS.

- (1) To provide for proper site design and prevent the creation of

irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature.

I. CONNECTIVITY.

- (1) The road system of proposed subdivisions shall be designed to connect with existing, proposed, and planned roads outside of the subdivision as provided in this section, continuing the existing lot and block structure.
- (2) Wherever a proposed development abuts unplatted land or a future development phase of the same development, road stubs shall be provided to provide access to abutting properties or to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land.
- (3) Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.
- (4) Culs-de-sac or permanent dead-end roads are prohibited except where topographical, environmental, or existing adjacent land use constraints make connecting roads infeasible. Where culs-de-sac are planned, accessways shall be provided connecting the ends of culs-de-sac to each other, to other roads, or to neighborhood activity centers.

J. VARIANCES TO ACCESS MANAGEMENT STANDARDS.

- (1) The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

- (2) Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - a. Indirect or restricted access cannot be obtained;
 - b. No engineering or construction solutions can be applied to mitigate the condition; and
 - c. No alternative access is available from a road with a lower functional classification than the primary roadway.
- (3) No variance shall be granted where such hardship is self-created.

K. NONCONFORMING ACCESS FEATURES.

- (1) 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:
 - a. When new access connection permits are requested;
 - b. Change in use or enlargements or improvements that will increase trip generation by more than 10%.

SECTION 4.11 – PEDESTRIAN AND BICYCLE ACCESS AND FACILITIES.
(Ord No. 250)

- A. GENERAL. The purpose of this section is to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets
- B. On-site facilities should be provided, where appropriate, to accommodate safe and convenient pedestrian and bicycle access.

- (1) Pedestrian Access and Circulation
 - a. Single family residential developments shall include either public or private streets and accessways to all residential dwellings within the development.

- b. Sidewalks shall be required along arterials, collectors, and on local streets should, based on the average daily traffic on the street preclude the safe use of the street by pedestrians.
- c. Pedestrian circulation should be provided in new commercial, office, and multi-family residential developments.

(2) Bicycle Parking

- a. New development should consider providing bicycle parking facilities as appropriate.

(3) Commercial Development Standards

- a. New commercial buildings, particularly retail shopping and offices, should be orientated to the road where possible.
- b. Off-street vehicle parking for new commercial developments should, where possible, be located at the side or behind the building(s).
- c. Site plans for industrial and commercial developments should show pedestrian and bicycle facilities.

C. Culs-de-sac should provide through connections where possible.

SECTION 4.12 – DUPLEXES, TRIPLEXES, AND FOURPLEXES.

Duplexes, triplexes, and fourplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single-family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject to the following standards.

(A) DESIGN STANDARDS

- (1) New duplexes, triplexes, and fourplexes shall meet all required design standards (e.g., window coverage, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code.
- (2) Entry Orientation. The main entrance for each dwelling unit must:
 - a. Face the street; or

- b. Open onto a porch with at least one entrance facing the street;
or
 - a. For detached units: if separated from the street by another dwelling, the main entrance may face a common space adjacent to the street.
- (B) DEVELOPMENT STANDARDS Duplexes shall meet all other development standards (e.g., height, setbacks, parking, etc.) for single-family dwellings in R-1 Zone, additionally;
- (1) Conversion of an existing, conforming or legal non-conforming single-family dwelling to a duplex is allowed, provided that the conversion does not increase the non-conformity.

SECTION 4.13 - ACCESSORY DWELLING UNITS.

Accessory dwellings, where allowed, are subject to review and approval through an administrative review and shall conform to all of the following standards:

- (A) Density.
- (1) The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor.)
 - (2) A maximum of one (1) detached Accessory Dwelling is allowed on an individual lot per primary residential use (single-family dwelling unit, duplex, or triplex.)
 - (3) Configurations exceeding four (4) units per lot requires a conditional use permit.
- (B) Floor area.
- (1) A Detached Accessory Dwelling shall not exceed 900 square feet of floor area or 75 percent of the primary dwelling's total floor area, whichever is larger. When the accessory structure has another use (e.g., garage), this criterion only applies the floor area of the structure used as a dwelling.
 - (2) An Attached Accessory Dwelling shall not exceed 900 square feet of

floor area, or 75 percent of the primary dwelling's floor area, whichever is greater. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 900 square feet.

- (C) Other Development Standards. Accessory dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
 - (1) Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;
 - (2) No off-street parking is required for an accessory dwelling unit.

SECTION 4.14 – TOWNHOMES

Townhomes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single-family dwellings. Townhomes are subject to the same approval process as those for detached single family dwellings in the same zone and are subject to the following standards.

- (1) Design Standards.
 - (A) New townhomes shall meet all required design standards (e.g., window coverage, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code.
- (2) Development Standards. Townhomes shall meet all other development standards (e.g., height, setbacks, parking, etc.) for single-family dwellings in the zone in which it is placed, additionally:
 - (A) Conversion of an existing, conforming or legal non-conforming single-family dwelling to a townhome is allowed, provided that the conversion does not increase the non-conformity.
 - (B) Side yard setback requirements are not required where the development abuts an adjacent townhome unit.

SECTION 4.15 – SHORT-TERM RENTALS Short-Term Rentals are permitted in the R-5 and RA Zones upon completion of the necessary application.

(A) GENERAL SHORT-TERM RENTAL REQUIREMENTS

The City Administrator may approve or submit to the City Council to review and approve, approve with conditions, or deny a temporary use permit allowing Short-Term Rentals on any real residential property within the R-5 and RA zones as based on the following criteria:

(B) DURATION

- (1) Each temporary use permit will be valid for 365 days.
- (2) When a temporary use exceeds 365 days, the applicant shall be required to renew the temporary use permit or cease the use of the property as a Short-Term Rental.

(C) PARKING REQUIREMENTS

- (1) On-street parking spaces made available to renters shall be limited to the areas immediately adjacent to the property being rented.
- (2) Off-street parking spaces shall be limited to those currently available on the property being rented.
- (3) All Short-Term Rentals must indicate the maximum number of available parking spaces when advertising the property.

(D) OCCUPANCY REQUIREMENTS

- (1) The maximum number of occupants must be included in all applications for this temporary use permit.
- (2) All Short-Term Rentals must indicate the maximum number of occupants available when advertising the property.

(E) HEALTH AND SAFETY

- (1) Operator's Responsibilities. It is the operator's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Codes, with Oregon State Health, Safety, Building, and Fire Codes, and Tourist Facilities requirements in the Oregon

Revised Statutes.

- (2) Local Contact. All Short-Term Rentals are required to establish a local contact who can be reached at any time to take corrective action in the event of any non-emergency issues.

(F) SIGNAGE

- (1) Signs. All signage shall conform to the zone district in which the short-term rental is located.

SECTION 4.16 – USE OF RECREATIONAL VEHICLES FOR SLEEPING OR HOUSEHOLD PURPOSES. A recreational vehicle may be used for recreational or sleeping purposes only under the following circumstances.

- (A) On the premises of a private residence and with the consent of the owner(s) of the property, provided that such use by any number of vehicles is limited to not more than 30 days in any 90-day period.
- (B) With the consent of the property owner, and the consent of the property owners of the properties which are immediately adjacent to the property upon which the recreational vehicle would be parked, the City Council may approve a special temporary use permit for recreational vehicle use exceeding the 30 days in any 90-day period limit in order to alleviate a temporary housing hardship which cannot otherwise be satisfied within a recreational vehicle park. Such approval shall be subject to any conditions which the City Council deems appropriate. In addition, any such permit may be revoked by action of the City Council.
- (C) It is unlawful for any person to discharge wastewater from a recreational vehicle to a storm sewer, sanitary sewer, street, or upon private property except at an approved holding facility or dump station.
- (D) No utility connections shall be made across a public right-of-way to a recreational vehicle.

ARTICLE 5

CONDITIONAL USES

SECTION 5.1 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

- A. Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the City Council in accordance with the standards and conditions in this article. In permitting a conditional use or the modification of conditional use the City Council may impose in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the City Council considers necessary to protect the best interest of the surrounding property or the City as a whole. A conditional Use Permit (CUP) shall be valid, as long as the conditions of approval are met by subsequent owners of the property on which the Conditional Use has been granted.
- B. STANDARDS FOR GRANTING CONDITIONAL USES.
- (1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city.
 - (2) Taking into account location, size, number, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
 - (3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
 - (4) The proposal will preserve assets of particular interest to the community.
 - (5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.
- C. PLACING CONDITIONS ON A PERMIT. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions which it finds necessary to avoid a detrimental impact and

to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- (1) Increasing the required lot size or yard dimensions.
- (2) Limiting the number, height, size or location of buildings or other structures and mobile homes.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location and lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.
- (9) Requiring proper drainage and pest control.
- (10) Placing time limits on the use and requiring periodic reviews.
- (11) Limiting the number of dwelling units per apartment.

D. PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.

- (1) Application for a Conditional Use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder. The City Council may require other drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.
- (2) Public Hearings on Conditional Use. Before the City Council may act on a request for a conditional use, it shall hold a public hearing.
- (3) Notification Action. Within five (5) working days after a decision has been rendered by the City Council on a request for conditional use, the City shall provide the applicant with written notice of the decision

of the Council.

- (4) Time Limit on a Permit for Conditional Use. Authorization of a conditional use shall be void after 6 months, unless substantial construction has taken place on the site. However, the City Council may, at its discretion, extend authorization for an additional, 6 months on request.
- (5) Revocation and extinguishing a previously approved conditional use.
 - a. A Conditional Use Permit may be revoked by the City upon finding that the Conditions of Approval have not been or are not being met, or are being violated by the actual use. A public hearing, as outlined in Section 5.1, shall be required. Council shall make necessary findings in order to revoke said Conditional Use Permit.
 - b. A previously approved Conditional Use which has been abandoned, discontinued, or inoperative for a period of three years it is deemed to be extinguished. A new Conditional Use Permit following the procedures of this section would be required to reinstate the prior Conditional Use Permit.

ARTICLE 6 NONCONFORMING USES

SECTION 6.1 - NONCONFORMING USES.

- (1) A nonconforming use or structure may be continued but may not be altered or expanded. The expansion of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- (2) If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- (3) If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.

- (4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 60 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.
- (5) Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the city and construction has commenced prior to the adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

SECTION 6.2 - GENERAL EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone, except a corner lot.

Any front yard need not exceed:

- (1) The average of the front yards on abutting lots which have buildings within 100 feet of the lot, or
- (2) The average of the front yard of a single abutting lot, which has a building within 100 feet, and the required depth for that zone.

SECTION 6.3 - GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

SECTION 6.4 -PROJECTIONS FROM BUILDINGS. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 24 inches into a required yard setback area.

SECTION 6.5 - AUTHORIZATION TO GRANT OR DENY VARIANCES. The City Council may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a variance, the City Council may attach conditions which it

finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

SECTION 6.6 - CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be granted only in the event that all of the following circumstances exist. A variance shall be valid as long as the conditions of approval are met by subsequent owners of the property on which the variance has been granted.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- (3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.

SECTION 6.7 - PROCESS FOR VARIANCE.

- (1) Application for a Variance. A property owner may initiate a request for a variance by filing an application with the City Recorder.
- (2) Public Hearing on a Variance. Before the City Council may act on a request for a variance, it shall hold a public hearing.
- (3) Notification of Decision. Within five (5) working days after a decision has been rendered by the City Council with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the City Council.

**ARTICLE 7
AMENDMENTS**

SECTION 7.1 FORMS OF AMENDMENTS.

- (1) An amendment to this Ordinance may take the following forms:
 - (A) Amendment to the text. (Legislative Revision)
 - (B) Amendment to the map. (Legislative Revision or Quasi-Judicial Change)

SECTION 7.2 LEGISLATIVE REVISIONS.

- (1) Proposed amendments to this Ordinance shall be deemed legislative revisions if;
 - (A) The proposed amendment involves the text of this Ordinance and/or;
 - (B) The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Legislative revisions shall be initiated by:
 - (A) A resolution of a majority of the City Council
 - (B) The request of the City Attorney
 - (C) The request of the City Planner

SECTION 7.3 - QUASI-JUDICIAL CHANGES.

- (1) Proposed amendments to this Ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.

- (2) Quasi-judicial changes may be initiated by:
 - (A) Property Owners or contract purchaser or his or their authorized agent.
- (3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter the decision of the City Council shall be final.

SECTION 7.4 - PROPOSED AMENDMENTS. The City Council shall hold a public hearing on all changes to the Comprehensive Plan, Zoning Ordinance text and Plan/Zone Map. All proposed amendments shall be processed in accordance with the public hearing procedures under Section 8.5 of this Article. Text and Map amendments shall also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for final action except as provided for under ORS 197.610.

- (1) The following criteria must be followed in deciding upon a quasi-judicial proceedings.
 - (A) The applicant must show that the proposed change conforms with the Comprehensive Plan. (Ord No. 250)
 - (B) A zoning map or zoning text amendment significantly affects a transportation facility if it: (Ord No. 250)
 - a. Changes the functional classification of an existing or planned transportation facility;
 - b. Changes standards implementing a functional classification system;
 - c. Allows types or intensities of land use that would result in either the type or quantity or traffic, or access that would be inconsistent with the functional classification of a transportation facility as established in the adopted Transportation System Plan; or
 - d. Would reduce the level of service of the facility below the minimum acceptable level for that facility established in the adopted Transportation System Plan.

- (C) Amendments to the zoning map and text which significantly affect a transportation facility shall include mitigation measures that result in allowed land uses being 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:
(Ord No. 250)
 - 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.
- (D) The courts will require a "graduated burden of proof" depending upon the drastic nature of the proposed rezoning.
- (E) Procedural Process of a quasi-judicial hearing.
 - a. Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidence.
 - b. There must be a record which will support the findings made by the City Council.
 - c. Pre-hearing contacts on the subject of the hearing must be disclosed by the decision makers at the outset of the public hearing.

SECTION 7.5 - NOTIFICATION OF DECISION. Within five (5) working days after a final decision on an amendment to the Comprehensive Plan, Zoning Ordinance text or Plan/Zone Map, the City Recorder shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision. Within five (5) working days after a final decision, the City shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing they be given notice. The notice shall meet

the requirements of ORS 197.615.

SECTION 7.6 - LIMITATION OF REAPPLICATIONS. No application of a property owner for an amendment to a zone boundary shall be considered by the City Council 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 City Council new evidence or a change of circumstances warrant it.

SECTION 7.7 - RECORD OF AMENDMENTS. The Recorder shall maintain records of amendments to this Ordinance.

ARTICLE 8 ADMINISTRATIVE PROVISIONS

SECTION 8.1 - ADMINISTRATION. The City Official appointed by the City Council as Zoning Ordinance Administrator shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling regarding a requirement of the Ordinance may be made only to the City Council.

SECTION 8.2 - BUILDING PERMIT REQUIRED. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Recorder. The applicant shall pay a fee as established by City Ordinance at the time the application is filed.

SECTION 8.3 - FORM OF PETITIONS, APPLICATIONS AND APPEALS. All petitions, applications, and appeals provided for in this Ordinance shall be made on the forms outlined in Appendix II of this Ordinance.

SECTION 8.4 - FILING FEES. Filing fees for various land use actions and permits are established by separate City Council resolution.

SECTION 8.5 - PUBLIC HEARINGS.

- (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least twenty (20) calendar days prior to the date of hearing.
- (2) In addition, a notice of hearing on a conditional use, a variance or an amendment to a zone boundary shall be mailed to owners of property within

100 feet of the property for which the variance, conditional use zone boundary amendment has been requested. The Notice of hearing shall be mailed at least twenty (20) calendar days prior to the date of the hearing.

Said notice shall:

- (A) Explain the nature of the application and the proposed use or uses which could be authorized, ORS 197.763(3)(a).
- (B) List the applicable criteria from the ordinance and the plan that apply to the application, ORS 197.763(3)(b).
- (C) Set forth the street address or other easily understood geographical reference to the subject property, ORS 197.763(3)(c).
- (D) State the date, time, and location of the hearing, ORS 197.763(3)(d).
- (E) State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on that issue, ORS 197.763(3)(3) [and ORS 197.763(1)1.
- (F) State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue, ORS 197.763(3)(e).
- (G) Include the name of a local government representative to contact and a telephone number where additional information may be obtained, ORS 197.763(3)(9).
- (H) State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, ORS 197.763(3)(h).
- (I) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost, ORS 197.763(3)(i).
- (J) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(j).

- (3) If a proposed zone boundary amendment has been initiated by the City Council and is declared by the City Council to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the Council shall be observed.
- (4) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- (5) The City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.
- (6) If an application would change the zone of property which includes all or part of a mobile home park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home park at least ten (10) days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change.

SECTION 8.6 - FINAL ACTION. Except as provided for under ORS 227.178, the City Council still take final action on Conditional Use permits and variances within one hundred-twenty (120) calendar days from the date a complete application is submitted to the City. Within thirty (30) calendar days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The one hundred-twenty (120) day time period will commence on the date the application is complete.

SECTION 8.7 - AUTHORIZATION OF SIMILAR USES. The City Council may permit, by following the procedures outlined in Article 5, Section 5.1, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

**ARTICLE 9
GENERAL PROVISIONS**

SECTION 9.1 - INTERPRETATION. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

SECTION 9.2 - SEVERABILITY. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9.3 ABATEMENT AND PENALTY.

- (1) Violation of any provision of this Ordinance or of any amendment of this Ordinance is punishable upon conviction by a fine of not more than \$500.00. Each day such violation continues is a separate offence.
- (2) In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as all alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

ADOPTED by the Council of Moro, Oregon, this 7th day of June 2022, by the following vote:

Mayor

ATTEST:

Recorder

**ARTICLE 10
REPEALER**

SECTION 10.1 - REPEALER. Moro Ordinance No. 241 and all amendments thereto are hereby repealed.