

2025 UPDATE OF

# **CITY OF MORO ZONING ORDINANCE**

ORDINANCE NO. 278



PREPARED FOR:  
**CITY OF MORO CITY COUNCIL**

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AN ORDINANCE REPEALING AND REPLACING THE TEXT OF ORDINANCE NO. 272,  
THE CITY OF MORO ZONING ORDINANCE AND ALL AMENDMENTS THERETO.

The City of Moro, Sherman County, Oregon, ordains as follows:

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## 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, and all amendments thereto.

### SECTION 1.3 – DEFINITIONS.

As used in this ordinance the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary; the word "shall" is mandatory.

The following procedure shall be used to define terms:

- First, defined in this ordinance.
- Second, refer to City of Moro Comprehensive Plan or master plan.
- Third, refer directly to the relevant state statute or administrative rule.
- Fourth, refer to the most recent edition of Merriam-Webster's Dictionary.
- Fifth, the Planning Official shall interpret the meaning of the term.

In all cases where there is a dispute as to the meaning or an ambiguous term, expression or requirement of this ordinance, the City Council's reasonable interpretation shall control.

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 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. For Accessory Dwelling Unit, see definition for "Dwellings".

- (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.
- (7) ALLEY. A street which affords only a secondary means of access to the property.
- (8) 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.
- (9) BUILDING. A structure with walls and a roof.
- (10) BUILDING SITE; SITE. Abutting lots or parcels under common ownership shall be considered together as one "site". This is regardless of whether the lots or parcels by themselves meet the required dimensional standards to independently be considered a building "site".
- (11) CHILD CARE CENTER. Means a child care facility, other than a family child care home, that is certified under ORS 329A.280 (3).
- (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) DWELLING UNIT. A single independent unit that provides 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:

- (I) 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;
- (II) Includes a kitchen area with a sink and an approved electrical service connection for a stove or range; and
- (III) 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.

Dwelling units are considered a "residential use". The following are types of dwelling units:

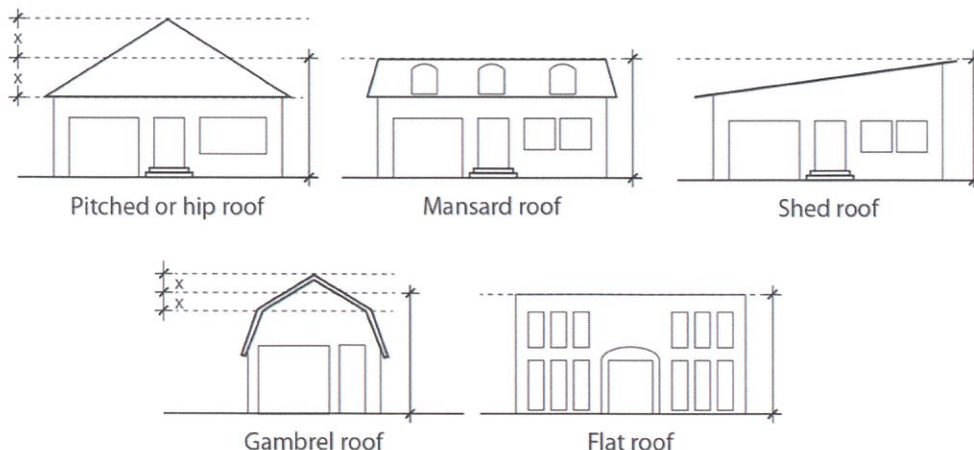
- (A) ACCESSORY DWELLING UNIT (ADU). An attached or detached residential structure that is used in connection with, or that is accessory to, a dwelling.
- (B) APARTMENT. A building (or portion thereof) containing five or more dwelling units. A form of multi-dwelling development.
- (C) DUPLEX. Two dwelling 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. A form of single-dwelling development.
- (D) FOURPLEX. Means four dwelling units on a lot or parcel in any configuration. A common name is "quadplex". A form of multi-dwelling development.
- (E) MANUFACTURED DWELLING.
  - 1. RESIDENTIAL TRAILER. 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 before January 1, 1962.
  - 2. 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 between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon Mobile Home law in effect at the time of construction.
  - 3. MANUFACTURED HOME.
    - a. For any purpose other than that set forth in subparagraph B of this paragraph, "manufactured home" means 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 in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or

- b. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.
  - c. "Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.
  - d. Manufactured dwellings are a form of single-family (single dwelling) development.
- (F) MULTI-DWELLING DEVELOPMENT (MULTI-FAMILY DWELLING). Structure(s) intended for the residence of three or more families living independently of each other, on a single lot or parcel.
- (G) PREFABRICATED DWELLINGS. Means a building or subassembly, designed for residential occupancy, that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. Modular homes are considered prefabricated dwellings.
- (H) SINGLE-DWELLING DEVELOPMENT (SINGLE FAMILY DWELLING). A single dwelling unit on a lot or parcel. The dwelling may be constructed on-site, referred to as "stick-built" in this ordinance, or off-site, e.g., manufactured dwellings or modular homes. A common name is "detached single family dwelling".
- (I) SINGLE-ROOM OCCUPANCIES (SRO). Residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary and/or food preparation facilities with other SROs in the occupancy.
- (J) SMALL HOME. A small home is a single-dwelling unit not more than 400 square feet in size.
- (K) 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). Common names include "attached single-family dwelling", "rowhouse", "zero lot-line dwelling", and "townhouse". A form of multi-dwelling development.



- (L) TRIPLEX. Means three dwelling units on a lot or parcel in any configuration. A form of multi-dwelling development.
- (21) 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.
- (22) 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.
- (23) FAMILY CHILD CARE HOME. Means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330.
- (24) FARM USE. See ORS 215.203(2). 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) 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.
- (26) FUNCTIONAL AREA (INTERSECTION). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
- (27) FUNCTIONAL CLASSIFICATION. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
- (28) HEIGHT OF BUILDING. The vertical distance measured from the "average grade" to the highest point of the roof beams of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, nip, or gambrel roofs.

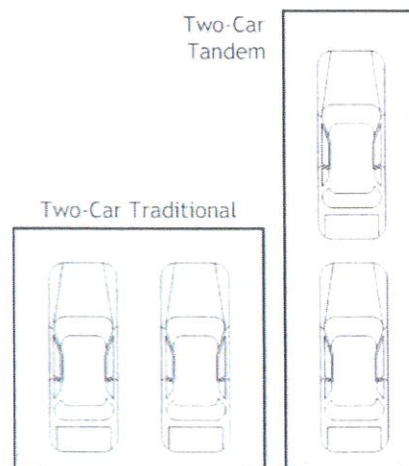


- (29) HOME OCCUPATION. Means a lawful occupation carried on by a resident of a dwelling unit as an accessory use solely within the same dwelling unit or an accessory building on the lot or parcel where the dwelling unit and the occupation is incidental or secondary to residential use and provided the occupation is conducted so that the following apply:
- (A) It does not give the appearance of a business.
  - (B) It does not change the character of the dwelling.
  - (C) There is no display, except by a non-illuminated sign no larger than one (1) square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit.
  - (D) There is no more than one additional person employed other than the resident of the dwelling.
  - (E) There is no increase in noise or other forms of environmental pollution outside the dwelling unit.
  - (F) There is only a minor increase, if any, in traffic traveling to and from the dwelling unit. And
  - (G) 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 no 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 no 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) LAWFULLY ESTABLISHED UNIT OF LAND. A lot of parcel created pursuant to ORS 92.010 to 92.192; or another unit of land created through legal means in effect at the time of configuration and has remained in compliance with those provisions. "Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account.



- (33) 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.
- (A) LOT AREA. The total area of the lot measured in the horizontal plane within the lot boundary lines.
- (B) 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.
- (C) LOT DEPTH. The average distance measured from the front lot line to the rear lot line.
- (D) 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.
- (E) LOT LINE, FRONT. The line on the lot facing the street from which the access to the lot is commonly made.
- (F) LOT FRONTAGE. That portion of a lot extending along a street right-of-way.
- (G) LOT LINE, REAR. The property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other odd-shaped lot or parcel, the rear lot line is a line 10 feet in length within the lot or parcel parallel to and at a maximum distance from the front lot line. In the case of a corner lot or parcel, either interior lot line may be the rear lot line, regardless of the placement of the front door.
- (H) 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.
- (I) LOT WIDTH. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
- (34) MANUFACTURED DWELLING PARK. Any place where four or more manufactured dwellings or prefabricated structures are located within 500 feet of one another on a single site under the same ownership, the primary purpose of which is rental space for residential use. Does not include a lot or lots located within a legally approved subdivision being rented or leased for occupancy by no more than one manufactured dwelling unit per lot. (See ORS 446.003(20)).
- (35) MOBILE HOME PARK. Any place where four or more manufactured dwellings, recreational vehicles, or a combination thereof, are parked within 500 feet of one another on a single site under the same ownership, the primary purpose of which is rental space for residential use. Does not include a lot or lots located within a legally approved subdivision being rented or leased for occupancy by no more than one manufactured dwelling unit per lot. (See ORS 446.003(26)).

- (36) 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.
- (37) NON-CONFORMING STRUCTURE OR USE. A structure or lot means a use, structure or lot that was lawfully established, existing and active at the time this ordinance or any amendment thereto became effective, has been actively maintained to the same extent without any gaps or lapses greater than one year (12 continuous months) since the time restrictive zoning was first imposed, and which does not conform to one or more of the current requirements of this ordinance. A nonconforming use has a qualitative component, i.e., the nature or type of use, and a quantitative component, i.e., what is the measurable extent of the use. A nonconforming use can decrease in extent over time, but it cannot lawfully increase in extent over time.
- (38) OCCUPATION. Any endeavor for profit.
- (39) OUTDOOR STORAGE. The keeping of personal or business property or motor vehicles outside of a building for more than 72 consecutive hours.
- (40) OWNER. A person, his authorized agent or representative having legal authority to use, transfer or lease land.
- (41) PARCEL. A single unit of land that is created by a partition of land.
- (42) PARKING SPACE. 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. Tandem parking of not more than two cars outside of a garage or carport is allowed.



- (43) PERSON. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
- (44) PLAT. An exact and detailed map of the subdivision of land.



- (45) PLOT PLAN. A drawing indicating the location of existing and proposed structures on a building site together with other site information as required.
- (46) PRIVATE ROAD. Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.
- (47) PUBLIC ROAD. A road under the jurisdiction of a public body that provides the principal means of access to abutting property.
- (48) 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.
- (49) 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
- (50) RECREATIONAL VEHICLE PARK. Any area designed to establish, operate, manage, or maintain the same for picnicking or overnight recreational vehicle or tent camping by the general public. This includes areas open to use free of charge or through a payment of a tax or fee or by virtue of rental, lease, license, membership, association, or common ownership. This further includes but not limited to those areas divided into two or more lots, parcels, units, or other interests for the purposes of such use. Such recreational vehicle parks as defined are not intended for residential occupancy.
- (51) 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.
- (52) RESIDENTIAL FACILITY. A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department of Human Services or the Oregon Health Authority, as defined in ORS 443.400 under ORS 443.400 to ORS 443.460, or licensed by the State of Oregon Division under ORS 418.205 to ORS 418.327 which provides residential care alone or in conjunction with treatment or training, or the combination thereof, for six to fifteen individuals who need not be related. Staff persons required to meet the licensing requirement shall not be counted in the number of facility residences and need not be related to each other or to any resident of the residential facility.
- (53) RESIDENTIAL HOME. A residential treatment or training or adult foster home licensed by or under the authority of the Department as defined ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to ORS 443.500, or an adult foster home licensed under ORS 443.705 to 443.825, which provides residential care alone or in conjunction with treatment or training, or a combination thereof, of five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any residents of the residential home.



- (54) RIGHT-OF-WAY. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose. See also "Easement".
- (55) 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.
- (56) 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.
- (57) SIGN. An outdoor display, message, emblem, device, figure, painting drawing placard, poster, billboard 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.
- (58) 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 street: 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 route: 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.
- (59) 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. Streets can be either public or private.
- (60) STRUCTURE. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
- (61) 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.
- (62) 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.
- (63) TEMPORARY USE. A use established for a limited duration, not to exceed one year from the date of approval, that is, or will be, discontinued after one year from the date of approval. Temporary use does not involve construction or alteration of any permanent building or structure, although the authorization of the temporary use does not necessarily preclude such construction. Temporary residences may exceed one year from the date of approval. An extension request must be submitted to the Planning Official for review and approval of a ministerial permit.



- (64) TRACT OR AREA. The area within a measurable boundary of land or contiguous parcels of land.
- (65) USE. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
- (66) VEHICLE IMPOUND YARD. A vehicle impound yard is a duly licensed facility in which automobile and other vehicles are stored or impounded for a short duration pending their disposition and disbursement to other facilities. The impound yard shall be managed and screened so as to not provide visual or audio impact on surrounding land uses.
- (67) YARD. An open space on a lot which is unobstructed except as otherwise provided in this ordinance and includes driveways.
  - (A) 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.
  - (B) 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.
  - (C) 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.

All development within the City of Moro shall comply with this ordinance and be consistent with the Moro Comprehensive Plan. “Development” means any man-made change to improved or unimproved land. This includes – but is not limited to – construction or installation of a building, mining operations, making a change in the use or appearance of a structure or land, dividing land into two or more parcels, including partitions and subdivisions as provided in ORS 92.010 to 92.285, creating or terminating a right of access, storage on the land, tree cutting, and landform alterations (clearing, grading, cut, fill, etc.).

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 2.2 – ESTABLISHMENT OF LAND USE ZONE.

This ordinance hereby establishes the following land use zones for the City.

ZONE	ABBREVIATED DESIGNATIONS
Agricultural Residential, one-acre minimum lot area	R-A
Residential, 5,000 square feet minimum lot area	R-5
Commercial	C
Industrial	M
Open Space / Public Facility	OS/PF

### SECTION 2.3 – LOCATION OF ZONES.

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.

The Moro Zoning Map is available to view at City Hall and is hereby adopted by reference. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopted the map amendment and filed in the office of the City Administrator.

### SECTION 2.5 – ZONING BOUNDARIES.

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

### SECTION 2.6 – PUBLIC FACILITIES & SERVICES.

Normal maintenance of and improvements to public facilities and services that are consistent with the adopted Transportation System Plan (TSP) or adopted Public Facility Plans (PFP) and area master plans (if any) are permitted in all zones under this code. Projects that are not identified in the TSP, PFP, or in adopted area master plans may be approved through the conditional use process.

#### (1) PERMITTED TRANSPORTATION IMPROVEMENTS:

- (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 TSP or the Statewide Improvements Program adopted by the Oregon Department of Transportation 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.

(2) CONDITIONALLY PERMITTED TRANSPORTATION IMPROVEMENTS:

- (A) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the TSP; or (2) not designed and constructed as part of a subdivision or subject to conditional use review. Transportation projects shall comply with the TSP and applicable standards, and they 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

TSP, 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.



## ARTICLE 3. LAND USE ZONES

### SECTION 3.1 – AGRICULTURAL RESIDENTIAL ZONE “R-A”

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

(1) PERMITTED USES.

- (A) Farm use, as defined.
- (B) Farm dwellings or dwellings for owners, operators, and farm employees.
- (C) Public parks, public recreation areas and community centers.
- (D) Accessory buildings customarily provided in conjunction with farm use.
- (E) Short-term rental, meeting the criteria of Section 4.16.
- (F) Child Care Home, as defined.
- (G) Residential Home, as defined.

(2) CONDITIONAL USES. Permitted with approval by the City Council in accordance with Article 5.

- (A) Facilities necessary for public utilities and services, state service buildings, and county service buildings.
- (B) Prisons, jails and or correctional facilities.
- (C) Non-farm single-family dwellings, and accessory uses to single-family dwellings, meeting the criteria of Section 4.7, on a minimum one-acre tract.
- (E) Home Occupations, as defined.
- (F) Similar uses as authorized by the City Council.

(3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of 35 feet, excluding agricultural storage facilities.

(4) AREA.

- (A) The minimum lot size shall be one acre.
- (B) FRONT YARD. There shall be a front yard of not less than 30 feet in depth. Non-enclosed structures such as stairs, decks, or porches may encroach up to 5 feet

into the required front yard, maintaining a minimum of 25 feet from the front lot line.  
 (B) 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.

(C) REAR YARD. There shall be a rear yard of not less than 30 feet in depth.

(5) PARKING REGULATIONS.

(A) 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:

1. The space must be a minimum of 22 feet long;
2. The space must be abutting the subject site; and
3. The space must not obstruct a vision clearance area.

(B) All equipment shall be stored on the property in compliance with yard requirements.

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

### SECTION 3.2 – RESIDENTIAL ZONE "R-5"

USES. 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:

(1) PERMITTED USES.

- (A) Single family dwellings.
- (B) Duplexes, meeting the criteria of Section 4.13.
- (C) Triplexes and fourplexes, meeting the criteria of Section 4.13.
- (D) Townhomes, meeting the criteria of Section 4.15.
- (E) Accessory dwelling units, meeting the criteria of Section 4.14.
- (F) Short-term rentals, meeting the criteria of Section 4.16.
- (G) Home Occupations, as defined.
- (H) Child Care Home, as defined.
- (I) Residential Home, as defined.



- (J) Single-Room Occupancies (SROs), provided no fewer than four and no more than six SROs are permitted on a lot or parcel and not exceeding the maximum density of one dwelling unit per 1,000 net square feet of lot area.
  - (K) Public parks, public recreation areas and community or neighborhood centers.
  - (L) Accessory uses and buildings which are customarily incidental and subordinate to the above uses.
  - (M) 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.
- (2) CONDITIONAL USES. Permitted with approval by either the Planning Official or of the City Council in accordance with Article 5.
- (A) Churches.
  - (B) Mobile home parks, and Manufactured home parks meeting the criteria of Section 4.6.
  - (C) Public schools and libraries.
  - (D) Apartments, not exceeding the maximum density of one dwelling unit per 1,000 net square feet of lot area and meeting the criteria of Section 4.20.
  - (E) Lodge for civic or fraternal organizations carrying on no commercial activity.
  - (F) Necessary public utilities and public services, state service buildings, and county service buildings.
  - (G) Prisons, jails and or correctional facilities.
  - (H) Private recreational areas.
  - (I) Residential facilities, as defined.
  - (J) Similar uses as authorized by the City Council.
- (3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet, whichever is less.
- (4) AREA.
- (A) 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 up to 5 feet into the required front yard, maintaining a minimum of 10 feet from the front lot line.

- (B) 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. 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.
- (C) REAR YARD. There shall be a rear yard of not less than 5 feet in depth.
- (D) LOT AREA. Every lot shall have an area of not less than 5,000 square feet.

(5) PARKING REGULATIONS.

- (A) DWELLINGS. One parking space shall be provided for each dwelling unit. Accessory Dwelling Units and Single-Room Occupancies are exempt from parking requirements.

Parking requirements may be met either by providing the required parking space on the lot or, on-street parking meeting the following criteria:

- 1. The space must be a minimum of 22 feet long;
- 2. The space must be abutting the subject site; and
- 3. The space must not obstruct a vision clearance area.

- (B) 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.

- (6) 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 shall be required for all proposed commercial uses. Outright permitted uses shall be reviewed and approved by the Planning Official. Conditional uses and site designs expressly requiring a conditional use permit shall be reviewed and may be approved by the City Council.

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

(1) PERMITTED USES.

- (A) Retail trade establishments in which operation takes place solely within an enclosed building.



- (B) Business, governmental, professional office.
  - (C) Financial institution.
  - (D) Personal and business services such as barber shop, tailoring shop, printing shop, laundry or dry-cleaning establishment, and electrical repair shops.
  - (E) Public park, public recreation areas and community center.
  - (F) Public schools and libraries.
  - (G) Child Care Home, as defined.
- (2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
- (A) Retail trade establishments at which any part of the operation takes place outside an enclosed building.
  - (B) Churches.
  - (C) Taverns
  - (D) Dwelling units located on the second floor above a commercial structure. Dwelling units shall not be located on the ground floor of any structure. Dwellings shall not exceed a density of one dwelling unit per 1,000 net square feet of lot area.
  - (E) Agricultural support services including produce storage facilities.
  - (F) Accessory Buildings.
  - (G) Similar uses as authorized by the City Council.
- (3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet, whichever is less.
- (4) 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 (10) feet from the front property line.
- (5) FRONTAGE REQUIREMENTS. These criteria apply to all new buildings in the Commercial Zone.
- (A) All buildings shall have at least one primary pedestrian entrance facing an abutting street. A pedestrian walkway must connect the primary entrance to the public sidewalk within the public right-of-way.
  - (B) All vehicle access (i.e., garage doors) must access the building from a side street

or alley where practical. If vehicle access is proposed from the property's front lot line, a conditional use permit is required.

- (C) Facades shall be articulated to reduce long unbroken lines and provide interest. Street- and alley-facing facades shall not exceed thirty (30) feet in length without design features such as arcades, display windows, entry areas, awnings, functional or faux windows, wall projections or recessions, color/texture/material changes, or similar features of architectural interest.
- (D) Thirty percent (30%) or more of the street- or alley-facing ground floor façade must be transparent (i.e., windows and/or doors without tinting).
- (E) Structures shall span at a minimum of seventy percent (70%) of the front lot width.

(6) PARKING REGULATIONS.

- (A) RESIDENTIAL OFF-STREET PARKING. For residential uses, one off-street parking space shall be provided for each dwelling unit.
- (B) OFF-STREET PARKING. For uses other than residential, off-street parking is not required. When off-street parking is provided, off-street parking areas:
  - 1. Shall not be located in front of a commercial building, and
  - 2. Where possible, off-street parking must be accessed from an alley or driveway from an adjacent side street.

If off-street parking areas are proposed to be accessed from the street abutting the front lot line, then a conditional use permit is required.

- (7) PUBLIC UTILITY REQUIREMENTS. Before any dwelling is occupied, it must be connected to the City water and sewer systems.
- (8) 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:

- (1) PERMITTED USES.
  - (A) Those uses permitted outright in the Commercial Zone.
  - (B) Light and heavy industrial uses as defined, which take place wholly within an enclosed building.
  - (C) Child Care Home, as defined.



(2) CONDITIONAL USES.

- (A) Those uses listed as conditional uses in the Commercial Zone.
- (B) Light and heavy industrial uses as defined, which take place outside an enclosed building.
- (C) Similar uses as authorized by the City Council.

(3) HEIGHT. Building, structures, or portions thereto shall not be erected to exceed a height of two and one-half stories or 35 feet, whichever is less.

(4) SETBACK REQUIREMENTS. In the Industrial Zone, setbacks shall be as follows:

- (A) No front yard setback is required.
- (B) No buildings shall be constructed or located closer than six (6) feet from any other lot line.
- (C) 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 50 feet, whichever is greater.
- (D) Setbacks along Highway 97 shall be a minimum of thirty (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 shall be visible from Highway 97.

(5) PARKING REGULATIONS. Off-street parking is not required by this ordinance.

(6) 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.

**SECTION 3.5 – OPEN SPACE/PUBLIC FACILITIES “OS/PF”.**

PURPOSE. The purpose of the Open Space/Public Facilities Zone is to provide land areas for the development of public parks and recreation areas, and spaces for public buildings and services, including municipal services and county, state and federal services.

USES. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the “OS/PF” Open Space/Public Facilities Zone shall comply with the following regulations:

(1) PERMITTED USES.

- (A) Municipal buildings and structures.
- (B) Governmental services and functions.

- (C) Public Parks and Playgrounds with picnic areas.

(2) CONDITIONAL USES.

- (A) Public Parks and Playgrounds dedicated to specific activities, baseball, soccer, football, golf and other audience-related sports activities, swimming pools, tennis courts and other outdoor sports activities.
- (B) Temporary concessions incidental to and serving park/recreation users and uses.
- (C) Public Schools and public educational facilities.
- (D) Publicly and semi-publicly owned housing developments, including caretaker's cottage.

(3) SITE DEVELOPMENT REGULATIONS.

- (A) Municipal services: domestic water, sanitation facilities and public streets shall be available to all developed public parks, playgrounds and other outdoor activities.
- (B) Municipal services as listed in criterion (3)(A) shall be available to all public buildings and structures

- (4) HEIGHT. The maximum height for all buildings and structures is thirty-five (35) feet.

- (5) SETBACK REQUIREMENTS. Setbacks from property lines for structures and playfield activities shall be provided and maintained. A setback is the distance from the Right of Way line at the public street or property line to the foundation of the structure being constructed on the publicly owned property.

- (A) Open Play areas shall not be placed closer than twenty (20) feet from any the property line.
- (B) Publicly and semi-publicly owned housing developments shall be required to meet the setback standards allowed in the Residential (R-5) Zone, except side yard setbacks shall be 10 feet from the property line.
- (C) All other buildings and structures shall have the following setback requirements:

Front Yard: 20 feet  
Side Yard: 5 feet  
Rear Yard: 5 feet

Multi-story structures may require larger setbacks for adequate fire protection, as determined by the local Fire Marshall.



(6) PARKING REGULATIONS.

- (A) Municipal and Government Offices. One (1) off-street parking space shall be provided off-street, on the building site or on property adjacent to the site for each permanent employee. Additional adequate off-street parking shall be provided on or adjacent to the building site for the public to meet the needs of the proposed use.
- (B) Publicly and semi-publicly owned housing developments shall meet the Residential (R-5) Zone requirements.
- (C) All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances.
  - 1. New Construction.
  - 2. Change of use on the property.
  - 3. New parking area.

- (7) SIGNS. Signs shall pertain only to the permitted or conditionally permitted uses. Signs are permitted in a ratio of one square foot of sign area to each linear foot of property frontage. Signs exceeding thirty-two (32) square feet of sign area are subject to a conditional use review before the City Council.

## 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 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 – TRANSPORTATION SYSTEM PLAN.

All development proposals and activities shall be consistent with applicable policies, goals, objectives, and regulations within the adopted Transportation System Plan (TSP).

- (1) ACCESS. Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet, except as provided for in this ordinance.
- (2) STREET DESIGN STANDARDS.

TSP EXHIBIT A-5. STREET DESIGN STANDARDS					
Type of Street <sup>3</sup>	Right-of-Way Width	Paving Width Between Curbs	Curb Return Radius	Maximum Percent of Grade <sup>2</sup>	Minimum Radius of Curvature Planning
Arterial <sup>4</sup>	60 feet	36-42 feet	35 feet	10%	400 feet
Collector <sup>4</sup>	50 feet	24-28 feet	35 feet	10%	300 feet
Residential <sup>4</sup>	50 feet	20-24 feet	25 feet	10%	150 feet
Half Street <sup>4</sup>	50 feet	18-20 feet	25 feet	10%	150 feet
Cul-de-sac <sup>4</sup>	50-60 feet <sup>1</sup>	26-36 feet <sup>1</sup>	25 feet	10%	150 feet
Alley	20 feet	15-20 feet	15 feet	10%	150 feet

1. The paving radius at the turn-around of a cul-de-sac shall be 38 feet on a right-of-way radius of 50 feet.  
 2. Minimum grade of 0.3%. If unavoidable conditions exist, a grade of 2% steeper than that shown will be allowed.  
 3. One street name and sign shall be provided at each intersection for each street.  
 4. Curbs and gutters shall be provided on both sides of the street on Arterial and Collector Streets. Curbs, gutters, pedestrian walkways and bike lanes may be required on Residential, Half Street, and Cul-de-sac streets.

### SECTION 4.3 – CLEAR-VISION AREAS.

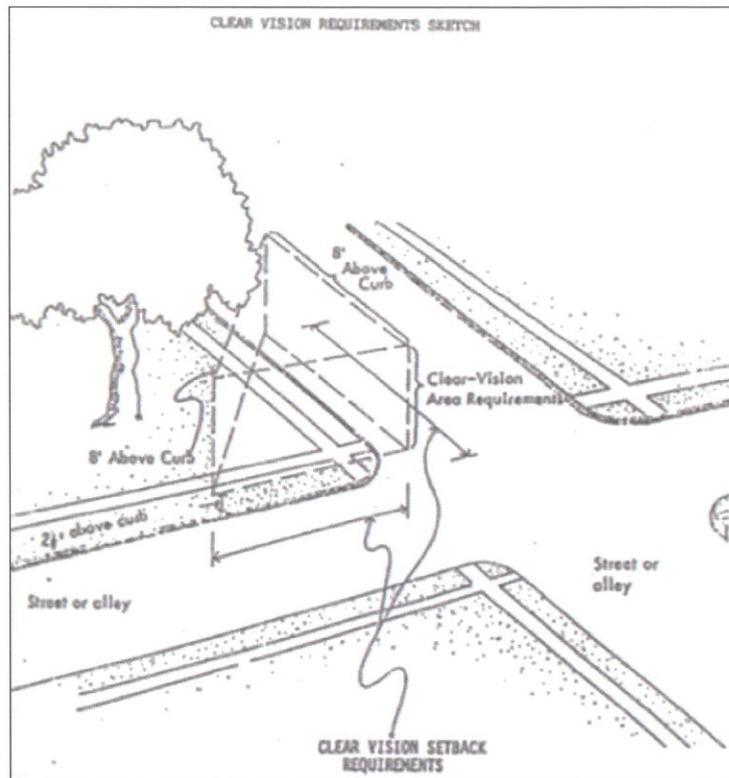
- (1) ESTABLISHMENT OF CLEAR-VISION AREAS. In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and an alley. A clear-vision area shall contain no planting, fence, wall structure or temporary or permanent obstruction exceeding two and one-half feet (2-1/2) in height, measured from the top of the curb or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet (8) above the grade.
- (2) MEASUREMENT OF CLEAR-VISION AREA. A clear-vision area shall consist of a triangular area two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the



nonintersecting ends of the other two (2) sides. The following measurements shall establish clear-vision areas within the City.

- (A) In the Industrial Zone, the minimum distance shall be fifty feet (50), or at intersections including an alley, ten feet (10).
- (B) In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

ROW Width	Measurement
80 feet and more	20 feet
60 feet	30 feet
50 feet	40 feet



#### SECTION 4.4 – DESIGN AND IMPROVEMENT STANDARDS FOR PARKING LOTS.

- (1) Areas used for parking for more than two (2) vehicles shall have durable and dustless surfaces adequately maintained.
- (2) Except for parking in connection with a single-family residential dwelling, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbances to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than five feet (5') in height except where vision clearance is required.

- (3) Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches (4") high and which is set back a minimum of one and one-half feet (1 ½') from the property line.
- (4) Artificial lighting which may be provided shall not shine or create glare in any residential zone or any adjacent dwelling.
- (5) Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their uses will require no backing movements or other maneuvering with a street right of way other than an alley.
- (6) The standards set forth in the table shown below shall be the minimum for parking lots approved under this ordinance (all figures are in feet except as noted):

A Parking Width Angle	B Stall Width	C Stall to Curb (19' Long Stall)	D Aisle Width	E Curb Length per Car	F1 Center-to-Center of Two- Row Bin with Access Road Between Curb-to-Curb	F2
Over-Lap C-C						
0'	8'6"	8.5	12.0	23.0	29.0	--
20'	8'6"	14.5	11.0	24.9	40.0	32.0
30'	8'6"	16.9	11.0	17.0	44.8	37.4
40'	8'6"	18.7	12.0	13.2	49.4	42.9
45'	8'6"	19.4	13.5	12.5	52.3	46.3
50'	8'6"	20.0	12.5	11.1	52.5	47.0
60'	8'6"	20.7	18.5	9.8	59.9	55.6
70'	8'6"	20.8	19.5	9.0	61.1	58.2
80'	8'6"	20.2	24.0*	8.6	64.4	62.9
90'	8'6"	19.0	25.0*	8.5	63.0	--
* Two-way circulation						

#### SECTION 4.5 – ACCESS MANAGEMENT.

- (1) **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.

Functional Classification	Access Category	Urban/ Rural	Intersection				Signal Spacing	Median Control
			Public Road		Private Drive			
			Type	Spacing	Type	Spacing		
Arterial*	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
*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								



(2) CORNER CLEARANCE.

- (A) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
- (B) 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:
  - 1. Either a land use action is proposed;
  - 2. A safety or capacity deficiency is identified that requires specific mitigation;
  - 3. A specific access management strategy/plan is developed;
  - 4. Redevelopment of existing properties along the highway occurs; or
  - 5. A major construction project is begun on the street.
- (C) New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
- (D) 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.

(3) JOINT AND CROSS ACCESS.

- (A) Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks) shall provide a cross-access drive and pedestrian access to allow circulation between sites.
- (B) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
  - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  - 2. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles.
  - 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access.
  - 4. A unified access and circulation system plan for coordinated or shared

parking areas is encouraged.

- (C) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
  - (D) Pursuant to this section, property owners shall:
    - 1. 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.
    - 2. 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.
    - 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
  - (E) The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
    - 1. Joint access driveways and cross access easements are provided in accordance with this section.
    - 2. The site plan incorporates a unified access and circulation system in accordance with this section.
    - 3. The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
  - (F) The City 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.
- (4) ACCESS CONNECTION AND DRIVEWAY DESIGN.
- (A) Driveways shall meet the following standards:
    - 1. 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.
  - (B) 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.

- (C) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on-site circulation.

(5) REQUIREMENTS FOR PHASED DEVELOPMENT PLANS.

- (A) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.
- (B) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

(6) REVERSE FRONTAGE.

- (A) Lots that front on more than one road shall be required to locate motor vehicle accesses on the road with the lower functional classification.
- (B) 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 City of Moro 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.

(7) SHARED ACCESS.

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

(8) LOT WIDTH-TO-DEPTH RATIOS.

- (A) 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.

(9) CONNECTIVITY.

- (A) 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.
- (B) Wherever a proposed development abuts un-platted 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.
- (C) 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.
- (D) 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.

(10) VARIANCES TO ACCESS MANAGEMENT STANDARDS.

- (A) 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.
- (B) 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:
  - 1. Indirect or restricted access cannot be obtained;
  - 2. No engineering or construction solutions can be applied to mitigate the condition; and
  - 3. No alternative access is available from a road with a lower functional classification than the primary roadway.



(C) No variance shall be granted where such hardship is self-created.

(11) NONCONFORMING ACCESS FEATURES.

(A) Legal access connections in place as of the date of adoption of this ordinance 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:

1. When new access connection permits are requested.
2. Change in use or enlargements or improvements that will increase trip generation by more than 10%.

**SECTION 4.6 – PEDESTRIAN AND BICYCLE ACCESS AND FACILITIES.**

(1) 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.

(2) On-site facilities should be provided, where appropriate, to accommodate safe and convenient pedestrian and bicycle access.

(A) PEDESTRIAN ACCESS AND CIRCULATION.

1. Single family residential developments shall include either public or private streets and accessways to all residential dwellings within the development.
2. Sidewalks shall be required along arterials, collectors, and on local streets where, based on the average daily traffic on the street, pedestrian travel along the street is unsafe or impractical.
3. Pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments.

(B) BICYCLE PARKING.

1. New development shall provide bicycle parking facilities as appropriate.

(C) COMMERCIAL DEVELOPMENT STANDARDS.

1. New commercial buildings, particularly retail shopping and offices, shall be orientated to the road where possible.
2. Off-road motor vehicle parking for new commercial developments shall, where possible, be located at the side or behind the building(s).
3. Site plans for industrial and commercial developments shall show

pedestrian and bicycle facilities.

- (3) Cul-de-sacs should provide thru-connections where possible.

#### **SECTION 4.7 – 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 and shall comply with the following limitations:

- (1) A side yard or rear yard may be reduced to three feet (3') for an accessory structure erected more than sixty-five feet (65') from a front lot line, provided the structure is detached from other buildings by six and one-half feet (6-1/2'). An accessory structure shall not exceed a height of 14 feet nor an area of six hundred (600) square feet without approval of the City Council following the procedure of Article 5.
- (2) Boats and trailers, travel trailers, pickup campers or coaches, motorized dwellings and similar recreational equipment may be stored on a lot but not used as a permanent accessory use in any zone.

#### **SECTION 4.8 – FENCES.**

Fences, except barbed wire and similar hazardous materials, are permitted in any zone and do not require a zoning permit for construction. Such fences shall not, however, exceed a height of six feet (6') and shall not be in violation of any vision clearance requirements set forth by this ordinance. Fences shall be maintained in good condition at all times and shall not create an unsightly condition.

#### **SECTION 4.9 – 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 4.10 – 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.

- (1) 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:
  - (A) State of repair of the building.
  - (B) The reasonableness of the cost of restoration or repair.
  - (C) The purpose of preserving such designated historical building and sites.
  - (D) The character of the neighborhood.
  - (E) 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.

(2) MAJOR EXTERIOR ALTERATION PROCEDURE. Exterior alterations shall be in accordance with the following:

- (A) Upon receipt of an application for a major exterior alteration of a 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.
- (B) Major exterior alterations as defined by this section include any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.
- (C) 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.
- (D) 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 a historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures, or other facade or surface treatments which are deemed 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.

- (E) 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 4.11 – MOBILE HOME PARK IMPROVEMENT STANDARDS.**

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



- (2) Mobile homes and accessory buildings within a mobile home park shall not be closer than 10 feet from an exterior boundary line nor closer than 25 feet to the right-of-way of a dedicated public street.
- (3) Underground utilities shall be required where practicable.
- (4) A six-foot sight-obscuring fence or screening along the exterior boundary of the park shall be required.
- (5) A roadway shall be provided to each home site with a minimum width of twenty-four (24) feet. All roadways, driveways and paths shall be graded, drained and surfaced with a material approved by the City Engineer so as to provide a means to direct drainage away from the home sites and prevent dust, mud, or standing water.

#### **SECTION 4.12 – ADDITIONAL CONDITIONS TO DEVELOPMENT PROPOSALS.**

The City may require additional conditions for development proposals.

- (1) The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.
- (2) 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.
- (3) 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.
- (4) 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 4.13 – DUPLEXES, TRIPLEXES, AND FOURPLEXES.**

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.

(1) DESIGN STANDARDS.

(A) ENTRY ORIENTATION. The main entrance for each dwelling unit must:

1. Face the street; or



2. Open onto a porch with an area of at least 48 square feet with at least one entrance facing the street; or
  3. For detached units, if separated from the street by another dwelling, the main entrance may face a common space adjacent to the street.
- (2) **DEVELOPMENT STANDARDS.** Duplexes, triplexes, and fourplexes shall meet all other development standards (e.g., height, setbacks, parking, etc.) for single-family dwellings in the R-5 Zone.
- (A) 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 4.14 – ACCESSORY DWELLING UNITS.**

Accessory dwellings are subject to review and approval through an administrative review and shall conform to the following standards:

- (1) **DENSITY.** Accessory Dwelling Units are exempt from the maximum allowed density in the R-5 zone.
- (A) 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).
- (B) A maximum of one (1) Accessory Dwelling Unit is allowed on an individual lot or parcel per primary residential use. The allowance is not based on units (e.g., one ADU is allowed for one single-family dwelling unit; one ADU is allowed for one duplex; and one ADU is allowed for one triplex or fourplex).
- (C) A conditional use permit approved by the City Council is required for configurations that include an ADU and will exceed three (3) dwelling units per lot or parcel.
- (2) **FLOOR AREA.**
- (A) A detached Accessory Dwelling Unit 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 to the floor area of the structure used as a dwelling.
- (B) An attached Accessory Dwelling Unit shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is greater. However, Accessory Dwelling Units 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.

- (3) 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:
  - (A) Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity;
  - (B) No off-street parking is required for an Accessory Dwelling Unit.

#### **SECTION 4.15 – TOWNHOMES.**

Townhomes are subject to review and approval through an administrative review and are subject to the following standards.

- (1) CONFIGURATION.
  - (A) No more than 4 attached townhome dwelling units are allowed in a single row.
- (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 they are 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 4.16 – SHORT-TERM RENTALS.**

Short-Term Rentals are permitted in the R-5 and R-A zones upon completion of the necessary application.

- (1) GENERAL SHORT-TERM RENTAL REQUIREMENTS. The Planning Official 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 R-A zones, as based on the criteria within this section.
- (2) DURATION.
  - (A) Each temporary use permit will be valid for 365 days.
  - (B) 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.
- (3) PARKING REQUIREMENTS.
  - (A) On-street parking spaces made available to renters shall be limited to the areas immediately adjacent to the property being rented.



- (B) Off-street parking spaces shall be limited to those currently available on the property being rented.
- (C) All Short-Term Rentals must indicate the maximum number of available parking spaces when advertising the property.

(4) OCCUPANCY REQUIREMENTS.

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

(5) HEALTH AND SAFETY.

- (A) 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.
- (B) 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.

(6) SIGNAGE.

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

## ARTICLE 5. CONDITIONAL USES

### SECTION 5.1 – AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

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 a 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 community as a whole. A conditional use permit 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.

### SECTION 5.2 – 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, 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 either not be detrimental to, or it 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.

### SECTION 5.3 – 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, but are not limited to, the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the number height, size or location of buildings or other structures.
- (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.

**SECTION 5.4 – PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE PERMIT.**

- (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 along with drawings or information necessary to understand the proposed uses and their relationship to surrounding properties.
- (2) NOTIFICATION OF DECISION. Within thirty (30) calendar 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.
- (3) TIME LIMIT FOR A PERMIT FOR CONDITIONAL USE. Authorization of a conditional use shall be void after one year, unless substantial construction has taken place on the site. However, the City Council may, at its discretion, extend the authorization for an additional six (6) months on request. No more than two extensions are allowed.
- (4) REVOCATION AND EXTINGUISHING AN 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 shall be required. The City 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, 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.
- (5) RESUBMITTAL. If a request is denied and no appeal is filed, or if upon review of the appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the restriction.



## **ARTICLE 6. NONCONFORMING USES, EXCEPTIONS & VARIANCES**

### **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 the 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 (60%) 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. If a nonconforming structure is removed from the site, a future structure 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 housing, towers, aerials, firepoles 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 dimensional or measurable 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 necessary which would alleviate the hardship.

**SECTION 6.7 – PROCEDURE FOR GRANTING A VARIANCE.**

- (1) APPLICATION FOR A VARIANCE. A property owner may initiate a request for a variance by filing an application with the City Administrator.
- (2) NOTIFICATION OF DECISION. Within thirty (30) calendar days after a decision has been rendered by the City Council with reference to a request for a variance, the City Administrator shall provide the applicant with the notice of the decision of the City Council.
- (3) TIME LIMIT FOR A PERMIT FOR A VARIANCE. Authorization for a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the City Council may, at its discretion, extend the authorization for an additional six (6) months on request. No more than two extensions are allowed.
- (4) RESUBMITTAL. If a request is denied and no appeal is filed, or if upon review of the appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six-month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.



## **ARTICLE 7. TEXT & MAP AMENDMENTS**

### **SECTION 7.1 – FORMS OF AMENDMENTS.**

- (1) An amendment may take the following forms:
  - (A) Amendment to the text of this ordinance, or text of the Moro Comprehensive Plan. (Legislative Revision)
  - (B) Amendment to the map. (Legislative Revision or Quasi-Judicial Change)

### **SECTION 7.2 – LEGISLATIVE REVISIONS.**

- (1) An amendment shall be deemed a legislative revision if:
  - (A) The proposed amendment involves the text of this ordinance or text of the Moro Comprehensive Plan, 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 majority of the City Council.
  - (B) The request of the City Attorney
  - (C) The request of the Planning Official.

### **SECTION 7.3 – QUASI-JUDICIAL CHANGES.**

- (1) A proposed amendment 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 property owners or contract purchaser or their authorized agent.
- (3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter, the Planning Official shall make the initial determination. The Planning Official's decision may be appealed to the City Council. The decision of the City Council shall be final.

### **SECTION 7.4 – PROCEDURES FOR 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 Article 8. Procedures. Text and Map amendments shall also be submitted to the Department of Land Conservation and Development 35 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 proceeding.
  - (A) The applicant must show that the proposed change conforms with the Comprehensive Plan.
  - (B) A zoning map or zoning text amendment significantly affects a transportation facility if it:
    1. Changes the functional classification of an existing or planned transportation facility;
    2. Changes standards implementing a functional classification system;
    3. 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
    4. 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:
    1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
    2. 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
    3. 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.
    1. Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidence.
    2. There must be a record which will support the City Council's findings.

3. 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 twenty (20) calendar days after a final decision on an amendment the City shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision.

Within twenty (20) calendar 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 that they be given notice. The notices 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 City shall maintain records of amendments to this ordinance, the Comprehensive Plan, and the plan/zone map.



## ARTICLE 8. PROCEDURES

### SECTION 8.1 – ADMINISTRATION.

- (1) AUTHORITY. The Planning Official shall have the power and duty to enforce the provisions of this ordinance.
- (2) APPEALS. An appeal to a ruling regarding a requirement of the ordinance may be made only to the City Council, and/or the Oregon Land Use Board of Appeals (LUBA).
- (3) REFERRAL TO HEARING BODIES. If the Planning Official determines that a decision involves unique circumstances which, in the opinion of the Planning Official, justify a public hearing before the City Council, any ministerial permit or land use application may be elevated by the Planning Official to be decided by the City Council under quasi-judicial procedures.
- (4) EXPEDITED LAND USE DECISIONS. Expedited land use decisions will be reviewed in accordance with the provisions of State statute.

### 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 Building Officials. The permit must also be submitted to the Planning Official for review. The applicant shall pay a building permit review fee as established by City Council resolution 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 provided by the Planning Official.

### SECTION 8.4 – FILING FEES.

Filing fees for various land use actions, permits, and applications are established by separate City Council resolution.

- (1) The City utilizes a planning consultant as the Planning Official to ensure land use applications are processed fairly and promptly. Consultant and administrative costs to review and process land use applications shall be borne by the applicant.

### SECTION 8.5 – PUBLIC NOTICING & HEARINGS.

- (1) All public hearings authorized by this ordinance shall have a public notice be published in a newspaper of general circulation in the City at least ten (10) calendar days prior to the date of hearing.
- (2) A notice of a quasi-judicial change public hearing, or of the Planning Official's decision on an administrative permit, shall be mailed to owners of property within 100 feet of the site.

The notice shall be mailed either:

- at least twenty (20) calendar days prior to the date of the hearing;
- at least ten (10) calendar days before the first evidentiary hearing, if two or more evidentiary hearings are proposed; or
- at the start of the 14-day comment period for ministerial permits.

All notices shall - -

- (A) Explain the nature of the application and the proposed use or uses which could be authorized.
- (B) List the applicable criteria from the ordinance and the plan that apply to the application.
- (C) Set forth the street address or other easily understood geographical reference to the subject property.
- (D) Include the name of a local government representative to contact and a telephone number where additional information may be obtained.
- (E) 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 copies will be provided at reasonable cost.

For administrative decisions by the Planning Official, the notice shall also include:

- (F) A statement that any interested party may submit to the City written comments on the application during a 14-day comment period, along with instructions on where to send the comments and the deadline of the 14-day comment period.
- (G) A statement that any issue which is intended to provide a basis for an appeal to the City Council must be raised in writing during the 14-day comment period with sufficient specificity to enable the City to respond to the issue.
- (H) State that failure to raise an issue by the close of the 14-day comment period precludes appeal to LUBA based on that issue.

For Quasi-Judicial Change Public Hearings, the notice shall also include:

- (I) State the date, time, and location of the hearing.
- (J) 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.
- (K) 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.

- (L) State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost.
  - (M) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.
- (3) Failure of a person to receive the notices prescribed in this section shall not impair the validity of the hearing.
  - (4) 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) calendar days but not more than forty (40) calendar 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.
  - (5) If a proposed zone boundary amendment has been initiated by the City 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.
  - (6) 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.
  - (7) A staff report shall be available at least seven (7) calendar days prior to all public hearings.

#### **SECTION 8.6 – FINAL ACTION.**

Except as provided for under ORS 227.178, the City Council shall take final action on conditional use permits and variances, including the resolution of all appeals under ORS 227.180, within one hundred and 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 and twenty (120) day time period will commence on the date the application is deemed complete.

## ARTICLE 9. GENERAL PROVISIONS

### SECTION 9.1 – AUTHORIZATION OF SIMILAR USES.

The City Council may permit, by following the procedures outlined in Article 5, 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. For example, a dentist office, which is a listed permitted use in the Commercial (C) zone, may not locate in the Residential (R-5) zone through a “similar use” determination as allowed in this ordinance.

### 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) A violation of this ordinance, or any amendment of this ordinance, is punishable by a fine of not more than \$500.000. Each day such a 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.



## ARTICLE 10. ADOPTION & REPEALER

### SECTION 10.1 – EMERGENCY.

That, whereas conditions in the City of Moro are such that this ordinance is necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect after its approval by the Mayor.

### SECTION 10.2 – REPEALER.

Moro Ordinance No. 86 and all amendments thereto are hereby repealed.


### SECTION 10.3 – ADOPTION.

- (1) This revised Zoning Ordinance was presented to the Moro City Council on May 7, 2025.
- (2) The Moro City Council adopted Ordinance No. 278 on June 3, 2025.

ADOPTED by the Council of Moro, Oregon, this 3<sup>rd</sup> day of June, 2025:

  
Bert Perisho, City of Moro Mayor

ATTEST:

  
Brittany Wood, City of Moro City Administrator