

ORDINANCE NO. 869

AN ORDINANCE AMENDING CITY ZONING ORDINANCE NO. 807

NOW THEREFORE, the City of Prineville does ordain as follows:

SECTION 1.

- A. The City Council of Prineville, Oregon, recognizing that the Prineville Zoning Ordinance, Ordinance No. 807 is in need of periodic revision and amendment to improve that ordinance in its comprehension, application, and enforcement in the City of Prineville. In the interests of the public health, safety and general welfare of the City residents and in accordance with the recommendations of the Prineville City Planning Commission, the City Council hereby determines the necessity of amending Ordinance No. 807.

- B. The City Council further determines and takes public notice that this amendment of Ordinance No. 807, by the actions as set forth hereinabove and below, are in compliance with the Comprehensive Plan of the City of Prineville, the public hearing process conducted by the City Planning Commission on the 28th day of June, 1983, and the 2nd day of August, 1983 prior to its recommendation from the Planning Commission and receipt thereof by the Council, and by the public hearing process conducted by this Council prior to its adoption of this ordinance.

SECTION 2.

Pursuant to the authority and in accordance with the procedures required by Article 8 of the Prineville City Zoning Ordinance No. 807 and ORS 227.115, Ordinance 807 is by this Ordinance amended as follows:

- A. Delete existing Section 5.010.

B. Replace with new Section 5.010:

Section 5.010. Non-Conforming Uses.

(1) Subject to the provisions of this sections, a non-conforming use or structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.

(2) A nonconforming use may be authorized by the Planning Commission if the nonconforming use is discontinued for a period not to exceed five years, based upon the following criteria:

- a. The resumption of the nonconforming use will not cause a greater deviation from the applicable standards of this ordinance;
- b. The resumption will not result in a greater impact to the surrounding area;
- c. The period of discontinuance shall continue to run if a nonconforming use is resumed for a period of less than one (1) year.

(3) If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.

(4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any natural cause to an extent exceeding 80 percent of its fair

market value as indicated by the records of the county Assessor and is not returned to use and in actual operating condition within five years from the date of destruction, a future structure or use on the site shall conform to this ordinance.

(5) Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued by the 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 3. CONFORMITY WITH THE LAW.

This Ordinance will not in any way substitute for, nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon or it's agencies, or any ordinance rule or regulation of the City of Prineville.

SECTION 4. SEPARABILITY.

If any section, subsection, sentence, clause or phrase of any portion of this Ordinance is for any reason held invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. PREVIOUS ZONING ORDINANCE VALIDATED.

The Prineville City Zoning Ordinance No. 807, adopted the 22nd day of August, 1978, all by the Council of the City of Prineville, herein before adopted, is hereby validated, and shall remain in full force and effect until amended, revised, or repealed in the manner provided for by said ordinance or state statute.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage by City Council and approved by the Mayor.

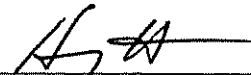
First Reading August 9, 1983


Second Reading and Passing August 1983

Ayes 7 Nays 0

Passed by the City Council
and endorsed by me the 23rd
day of August, 1983.

Signed this 23rd day of
August, 1983.


Henry Hartley, City Admin./Recorder


David Asher/Mayor