

CITY ORDINANCE NO. 1054

AN ORDINANCE AMENDING SECTIONS 3.010 AND 3.020
OF CITY ORDINANCE NO. 807 REGARDING CERTAIN PROFESSIONAL
COMMERCIAL USES, AND ADDING SECTION 4.150 REGARDING TEMPORARY
DWELLINGS FOR INFIRM RELATIVES TO CITY ORDINANCE NO. 807;
AND DECLARING AN EMERGENCY.

The people of the City of Prineville ordain as follows:

SECTION 1. PURPOSE. This Ordinance is for the purpose of revising City Zoning regulations to permit certain professional commercial uses under specific conditions and permit temporary dwellings for the care of infirm relatives similar to those permitted by County Zoning in the Urban Area outside the City.

SECTION 2. AMEND SECTION 3.010, CITY ORDINANCE 807, AS FOLLOWS:

Add Paragraph 1. to Subsection 2. Conditional Uses. to read as follows:

1. Professional commercial uses such as offices for accountants, bookkeepers, attorneys, engineers, architects, doctors, dentists, real estate and insurance, and medical or dental clinics subject to the following conditions and limitations:
 - A. Shall be located within a preexisting residential structure;
 - B. Has frontage on an existing designated or future planned arterial street or highway;
 - C. Access to and from the proposed use is not required solely to pass through a residentially zoned and developed area on a local or lower classified street;
 - E. Traffic and parking generated and/or required by the proposed use will not adversely affect the overall residential character of the area;
 - F. The proposed use is found to result in a general improvement of the physical appearance and aesthetics of the subject property and the general area; and
 - F. In reviewing and approving such a use, the reviewing authority may consider the following factors:
 - (1) The need for screening, landscaping and other factors that will minimize the impact of the proposed use on adjoining residential uses;
 - (2) The need for, and availability of off-street parking; and
 - (3) Limitations on hours and days of operations, signing and other factors deemed necessary to preserve and protect the residential character of the neighborhood.

SECTION 3. AMEND SECTION 3.020, CITY ORDINANCE 807, AS FOLLOWS:

Add Paragraph m. to Subsection 2. Conditional Uses. to read as follows:

- m. Professional commercial uses such as offices for accountants, bookkeepers, attorneys, engineers, architects, doctors, dentists, real estate and insurance, and medical or dental clinics subject to the following conditions and limitations:
 - A. Shall be located within a preexisting residential structure;
 - B. Has frontage on an existing designated or future planned arterial street or highway;
 - C. Access to and from the proposed use is not required solely to pass through a residentially zoned and developed area on a local or lower classified street;
 - E. Traffic and parking generated and/or required by the proposed use will not adversely affect the overall residential character of the area;
 - F. The proposed use is found to result in a general improvement of the physical appearance and aesthetics of the subject property and the general area; and
 - F. In reviewing and approving such a use, the reviewing authority may consider the following factors:
 - (1) The need for screening, landscaping and other factors that will minimize the impact of the proposed use on adjoining residential uses;
 - (2) The need for, and availability of off-street parking; and
 - (3) Limitations on hours and days of operations, signing and other factors deemed necessary to preserve and protect the residential character of the neighborhood.

SECTION 4. ADD SECTION 4.150 TO CITY ORDINANCE 807 TO READ AS FOLLOWS:

Section 4.150. Mobile Home, Single-Wide, or Mobile Home or Manufactured Home, Double-Wide, authorized as a Temporary Residence for the care of an infirm relative in conjunction with an existing residential use.

- (1) Purpose. It is the intent of this "temporary use" permit to provide for the temporary placement and use of certain structures as a "temporary dwelling" which, because of personal hardship and special medical care needs, require and warrant special consideration for such special temporary use.

Section 4 (Section 4.150. Temporary Dwelling for Infirm Relative);
Contd.

(2) As defined by ORS 446.003(26)(a)(B) and 446.003(26)(a)(C) respectively, a mobile home or manufactured home, single or double wide, is hereby authorized as a "temporary residential use" for the care of an infirm relative within any zone in which residential uses are permitted when approved in accordance with the standards set forth herein.

(3) No such temporary permit shall be granted which would have the effect of creating a permanent re-zoning, non-conforming use or variance, or result in a hardship when the use is not permitted to continue at the expiration of the permit period.

(4) As a temporary special use permit in every Zone in which residential uses are permitted, the City Planning Official, as a Type I Conditional Use Permit, may approve one accessory "temporary home" dwelling unit in conjunction with a primary dwelling unit with the following findings and limitations:

- (a) That such a unit is necessary to give care for or provide custody of an elderly, handicapped, or infirm relative who a medical doctor certifies is in need of this special kind of care or custody;
- (b) The applicant and permit holder is the owner and resident of the primary dwelling and is the care provider for the infirm relative for which the special use permit is granted;
- (c) That no additions to the "mobile home" unit shall be permitted, nor shall such unit be connected in any way except for a covered walkway to the main dwelling unit;
- (d) That all residential utilities and facilities deemed necessary can be and are provided;
- (e) That all setback requirements of the applicable Zone designation can be met; and
- (f) That the subject "temporary home" unit is found to be in compliance with the fire, safety and construction standards necessary for an Oregon Insignia of Compliance and/or HUD construction approval, is further found to be weather tight and structurally sound, and does not have any readily apparent exterior damage which is found to make the unit visually unattractive and a detriment to adjoining properties and the neighborhood in which it is proposed to be located.

Section 4 (Section 4.150. Temporary Dwelling for Infirm Relative);
Contd.

(5) A temporary special use permit granted under this Section shall be null and void when the elderly, handicapped or infirm relative who is the subject of the permit moves to another residence, or is absent from the residence for more than 120 days, or leaves the residence with no likelihood of returning. Exception to the 120 day limit may be approved because of extraordinary circumstances such as extended hospitalization, but in any case, the subject unit shall not be occupied by any other person(s) than originally intended and approved for.

(6) Within 30 days of the permit becoming void or revoked, the unit shall be removed by the owner of the real property unless otherwise approved by the City.

(7) The City may review permits issued under this Section at any time, and revocation thereof shall be effected upon a findings of noncompliance with the provisions of this Section or with any other conditions set forth at the time of issuance of the permit.

(8) Such permits shall be issued on a one-year basis and shall be renewable on an annual basis, however, reapplication or additional fees shall not be required provided compliance with the conditions applicable to such permit are maintained.

(9) A unit placed under a permit authorized by this Section shall be located as close as possible to the primary dwelling, and, unless there are physical limitations of the property, this should be within 100 feet.

(10) The applicant for such a temporary dwelling use shall execute and file with the City a Certification and/or Disclosure attesting to and stating the conditions assigned to the applicable permit.

SECTION 5. EMERGENCY DECLARED. WHEREAS the City Planning Commission has held a public hearing on the proposed Ordinance and has recommended approval; and, WHEREAS the City Council finds that such compliance is necessary to protect and promote the public welfare of the City and its residents, NOW THEREFORE AND EMERGENCY IS HEREBY DECLARED and this Ordinance shall be in full force and effect on and after its approval by the City Council and the Mayor.

APPROVED BY THE CITY COUNCIL ON THE 5th DAY OF January, 1998.

APPROVED BY THE MAYOR ON THE 5th DAY OF January, 1998.


MAYOR

ATTEST: 
CITY MANAGER/RECORDER

1-5-98
DATE