

ORDINANCE NO. 1265

AN ORDINANCE AMENDING CHAPTER 30, 90 & 153 OF THE CODE OF PRINEVILLE ("CODE") TO UPDATE SECTIONS FOR COMPLIANCE WITH ADA LANGUAGE.

WHEREAS, City of Prineville ("City") staff compiled amendments to the City's land use code (Chapter 153 of the Code) for review by the City Planning Commission during a workshop on April 20, 2021; and

WHEREAS, pursuant to Section 153.252.020 of the Code, required notice was submitted to the Department of Land Conservation and Development and published 10 days prior to the initial public hearing scheduled for May 18, 2021; and

WHEREAS, on May 18, 2021, the City Planning Commission held a public hearing, consented to the amendments, and recommended the City Council approve the proposed land use amendments as shown on Exhibit A attached hereto and by this reference made a part hereof; and

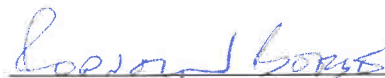
WHEREAS, pursuant to Section 153.252.020 of the Code, required notice was published 10 days prior to the City Council hearing of a legislative change scheduled for June 8, 2021; and

WHEREAS, on June 8, 2021 the City Council held a public hearing on the amendments shown on Exhibit A; which included amendments to Chapters 30 and 90 not subject to Planning Commission review and notice.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:

1. That Chapters 30, 90 & 153 of the Code of Prineville are amended as shown on Exhibit A.
2. That this ordinance become effective thirty (30) days after its passage.

Presented for the first time at a regular meeting of the City Council held on June 22, 2021, and the City Council finally enacted the foregoing ordinance this 13th day of July, 2021.



Rodney J Beebe
Mayor

ATTEST:



Lisa Morgan, City Recorder

**CHAPTER 30: CITY COUNCIL, CHAPTERS 90 ANIMALS,
153: LAND DEVELOPMENT CODE
Updating sections for compliance with ADA language.**

Section 30.10(A) & (B) shall be amended as follows:

30.10 PUBLIC MEMBERS ADDRESSING COUNCIL

(A) Any public member desiring to address the Council shall wait to be recognized by the presiding officer. After recognition, the person’s name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the presiding officer and not to any individual Council member, staff member or other person. No person shall enter into any discussion without being recognized by the presiding officer.

(B) Any public member addressing the Council shall be limited to five minutes unless further time is granted by the presiding officer or an exception is made for persons with disabilities. No public member shall be allowed to speak more than once upon any one subject until every other public member choosing to speak thereon has spoken.

...

Section 90.02(B) shall be amended as follows:

90.02 PROHIBITIONS.

No person, while on property owned by, leased to, or controlled by the City of Prineville, shall possess or be in control of a dog that meets any of the following conditions:

...

(B) Is not controlled by a leash adequate for the dog; of less than 10 feet in length. Exceptions include service animals and designated off-leash areas.

...

Section 153.083(A)(5) shall be amended as follows:

153.083 STANDARDS FOR SPECIFIC USES.

(A) Residential care facility or residential care home. When permitted as a conditional use, the facilities shall be subject to the following conditions and limitations:

...

(5) Appropriate facilities and access for people with disabilities shall be provided and/or installed as recommended by the appropriate local, county or state officials.

...

Section 153.093 (B), (C) & (E)(1) shall be amended as follows:

153.093 OUTDOOR MERCHANDISING.

...

(B) Prohibition. Except as otherwise approved by the reviewing authority, all commercial uses shall be conducted entirely within a completely enclosed building, except that the outdoor storage display, sale or rental of merchandise or services may be permitted where the standards of division (D) of this section are met.

(C) The following uses and activities, subject to applicable conditions and division (E) of this section, are exempt from the prohibition set forth in division (B) of this section.

- (1) The sale of living plants and plant materials.
- (2) Outdoor seating common to a use permitted within the applicable zone.
- (3) Christmas tree sales lot.
- (4) Vehicle charging stations and/or dispensing fuel at a service stations.
- (5) Newspaper vending.
- (6) Sales of food items, arts and handicrafts by a nonprofit organization.
- (7) Automatic teller machines, subject to the design review requirements set

forth in this subchapter.

(8) Outdoor displays of merchandise common to a use permitted within the applicable zone such as retail store fronts, automobile sales, boat sales, building materials, farm and other heavy equipment, hardware and the like, when such is approved as an integral component of an approved use within the applicable zone.

(9) Outdoor sales of goods and materials as a part of a business community sidewalk, patio or other promotional sales event.

(10) Community outdoor sales events and activities in association with a community event such as a 4th of July celebration, fair, rodeo, centennial and the like.

(11) Garage, patio and yard sales on an individual or group basis, including community sponsored flea or farmers markets.

(12) Outdoor sales or goods and materials authorized pursuant to Ch. 110.

...

(E) The following additional requirements are applicable to certain types of outdoor merchandising.

(1) Displays or merchandise placed on a public or private sidewalk, walkway or path shall be located so that the use of the area by people with disabilities is not impeded. This standard shall be met by maintaining the minimum requirements of the Adults with Disabilities Act (ADA) as amended.

...

Section 153.095(F)(4)(a)(b) & (5) shall be amended as follows:

153.095 MANUFACTURED HOMES; MOBILE HOMES; RV'S.

(F) Recreational vehicles and Manufactured homes: temporary residence for care of an elderly or infirm person; or person with disabilities.

...

(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 1 manufactured home or RV in conjunction with a primary dwelling unit with the following findings and limitations.

(a) That the unit is necessary to give care for or provide custody of an elderly or infirm person; or person with disabilities, 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 person for which the special use permit is granted.

...

(5) A temporary special use permit granted under this subsection shall be null and void when the elderly or infirm person; or person with disabilities 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) other than originally intended and approved for.