

ORDINANCE NO. 697**AN ORDINANCE REGULATING THE PLACEMENT, SIZE, AND TYPES OF SIGNS DISPLAYED ON BUILDINGS AND PREMISES WITHIN THE CITY OF MADRAS, REPEALING ORDINANCES NO. 468, 537, AND 693, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Madras is working on making the city more attractive and interesting for the residents and visitors, and to promote business within the City of Madras, and at the same time to maximize the effectiveness of the type of advertising for businesses and facilities, and to promote the general health, safety, property, and welfare of the public; and

WHEREAS, it is necessary as a community to control the type, form, construction, and location of outdoor advertising.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Madras that:

ARTICLE 1: INTRODUCTORY PROVISIONS**SECTION 1.0 TITLE**

This Ordinance shall be known as the City of Madras Sign Ordinance.

SECTION 1.1 PURPOSE

The purpose of this ordinance is to provide reasonable and necessary regulations for the placement and maintenance of signs in order to:

- a) Protect the health, safety, property, and welfare of the public.
- b) Promote a neat, clean, orderly, and attractive appearance within the city.
- c) Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- d) Eliminate signs that demand, rather than invite public attention.
- e) Provide for reasonable, orderly, and effective display of outdoor advertising compatible with their surroundings.
- f) Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city and its citizens.
- g) Provide effective signing to meet the anticipated differing needs of various areas in the city.

SECTION 1.2 **TERMINOLOGY**

The word "City" shall mean the City of Madras, Oregon. The words "City Council" shall mean the City Council of Madras, Oregon. The words "Administrator", "Planning Director", and "Building Official" shall mean the Administrator, Planning Director, and Building Official respectively of the City of Madras. The words "Planning Commission" shall mean the City of Madras Planning Commission.

SECTION 1.3 **GENERAL DEFINITIONS**

For the purposes of this article, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structures other than sign structures.

SECTION 1.4 **SPECIFIC DEFINITIONS**

The following words and phrases used in this article have the meanings given to them in this section.

SECTION 1.5 **DEFINITIONS**

The following definitions apply in this ordinance.

Area of Sign: The maximum area of the sign shall not exceed one-hundred fifty (150) square feet per side or a total of three-hundred (300) square feet.

Awning: An awning shall consist of a covered structure constructed of wood, canvas, cloth or other flexible material projecting horizontally from the building and attached to a building. Awnings that meet applicable building codes are not considered a sign by this ordinance.

Billboards: A billboard is a freestanding sign which contains a message unrelated to the business or profession conducted upon the premise on which the sign is located.

Business: Business shall mean all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to: service, commercial, and industrial uses and fraternal, benevolent, education, government, and social organizations.

Business Complex: Business complex shall mean one or more business tenants as occupants of the property. In a business complex, business tenants means but is not limited to, retail shops, executive or administrative services, including medical clinics and accessory pharmacies, professional offices, and personal service establishments which perform personal services on the premises and similar uses.

Business Sign: A sign that directs attention to a business, profession, activity, commodity service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located or within the building to which such sign is affixed.

Clear Vision Area: Signs along roadways, when allowable, shall not exceed three (3) feet in height unless there is a clear visibility area of at least eight (8) feet in height between the bottom of the sign and the ground. Any support standards for the sign shall not interfere with the clear vision area.

Construction Sign: A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction but only for the duration of construction or demolition.

[Amended by Ordinance No. 772, Passed July 25, 2006]

Directional Kiosk: A sign which provides the name and direction to a neighborhood or subdivision.

[Added by Ordinance No. 818, Passed October 13, 2009.]

Directory Sign: A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

Gross Surface Area: The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with a material of color forming an integral part of the display to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

Flush Mounted Sign: A sign that is attached or painted directly onto the exterior surface of a building and does not project outward from the wall or surface of the building more than 1 inch (1").

Franchise Sign: A sign for advertising purposes which reflects affiliation with a chain of commonly named businesses, and which sign is required as a prerequisite for operation of the franchise.

Freestanding Sign: A freestanding sign is an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure. Freestanding signs include, but are not limited to, monument signs and pole signs.

[Amended by Ordinance No. 772, Passed July 25, 2006]

Frontage: Frontage shall be defined as the length of the property line of any one parcel of property along each accessible street or other public right-of-way it borders.

Height of Sign: Height of sign shall mean the vertical distance from the lowest point of elevation of the finished surface to the highest point of the sign or any vertical projection thereof.

Kiosk: A small, free standing structure which may have one or more surfaces used to display advertising or to identify or index a business or businesses.

Monument Sign: A low profile freestanding sign which has a solid base at ground level that is equal to or greater than the width of the sign face, and which has no separation between the base and sign. A monument sign shall not exceed eight feet in height from ground level, including the base.

[Added by Ordinance No. 772, Passed by Council on July 25, 2006]

Non-conforming Sign: A non-conforming sign is a sign which does not conform to the provisions of this ordinance.

Off-Premise Sign: An off-premise sign is a sign which contains a message unrelated to the business or profession conducted upon the premises where such signs are located.

Off-Premise Sign Structure: Any structure, or any portion of any structure, which is intended, designed or used to display an Off-Premise Sign.

On-Premise Sign: An on-premise sign is a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located, or the sale, rent or lease of the premises.

Owner: Any person, individual, government entity, firm, partnership, LLC, joint venture, association, social club, fraternal organization, fraternity, sorority, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, who owns or leases an Off-Premises Sign Structure or leases from the owner of the underlying real property of an Off-Premises Sign Structure, and is in the business of selling space on such structures to others.

Pole Sign: A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the sign face is clearly visible above grade.

[Added by Ordinance No. 772, Passed by Council on July 25, 2006]

Portable and/or Temporary Sign: A portable and/or temporary sign is any sign not designated to be permanently affixed to a building, structure, or the ground; a sign designed to be self-supporting and movable.

Principal Sign: A principal sign is defined as the primary permanent on-premise sign designed primarily to identify or advertise a business or facility to motorists or pedestrians approaching the business or facility. A "principal sign" is limited to a combination, freestanding, flush, or projecting sign.

Projecting Sign: A projecting sign is a sign other than a flush sign which projects beyond the building face to which it is attached.

Real Estate Sign: A sign which is used to offer for sale, lease, or rent that premises upon which such sign is placed.

Roof Sign: A sign mounted on the roof of a building.

Sign: An outdoor sign, display, message, emblem, device, figure, 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.

Uniform Building Code: The State of Oregon Structural Specialty Code and Fire and Life Safety Code of 1979 Edition (Uniform Building Code) published by the International Conference of Building Officials, as adopted by the City of Madras and which is referred to as "UBC" in this ordinance.

ARTICLE 2: BASIC PROVISIONS

SECTION 2.1 SIGN ERECTION, REPAIR, ETC.

It is unlawful for any person to erect, repair, alter or relocate or maintain within this city, any sign or other graphic except as provided in this ordinance.

SECTION 2.2 SIGN CONFORMANCE; BILLBOARDS

No sign shall stand or be based on public property. All signs must be in conformance with the Uniform Building Code. Billboards shall conform with State law. Billboards are allowed with certain limitations in commercial and industrial zones of the city and are prohibited in residential zones (Refer to Section 2.13, Billboards, for Additional Information)

SECTION 2.3 **PROHIBITED SIGNS**

Flashing, moving, animated, blinking, or rotating signs are prohibited, as well as the use of strobe lights. However, this section shall not prevent the use of time and temperature signs nor prevent the use of reader boards which have moving lights and provide only community activity information.

[Amended by Ordinance No. 783, Passed by Council on December 12, 2006]

SECTION 2.4 **ADVERTISEMENT OF SERVICE**

Signs which advertise a service, product, or use not located at the site of the sign shall be prohibited. Billboards are not prohibited by this provision.

SECTION 2.5 **PORTABLE SIGNS**

There shall be allowed, on premise, one portable sign per business, not to exceed twenty-four (24) square feet per sign of space. No portable sign should be placed in any fashion which might obstruct or obscure vehicular or pedestrian traffic or visibility.

SECTION 2.6 **RESIDENTIAL SIGNS**

Signs erected in residential zones shall be no larger than four (4) square feet and shall not be illuminated except as follows:

- A. Signs for land uses within the R-1 and R-3 zones that are identified as conditional uses, as defined by Ordinance No. 528, may be erected if they conform to the following standards:
 1. One wall mounted sign not exceeding one-hundred (100) square feet, gross surface area or over fifty (50) percent of the building front elevation facade, whichever is less. The sign must be erected as a flush mounted wall sign as defined in this ordinance.
 2. One freestanding sign not exceeding one hundred-fifty (150) square feet in size.
 3. Signs shall not be back lighted (electric). Front flood light illumination is authorized.
 4. Signs in existence prior to the approval of this ordinance shall not be required to conform to this ordinance unless the sign is moved or substantially changed.
 5. Home occupation, as defined, shall be required to comply with the residential sign requirements and shall be limited to four (4) square feet and not be illuminated.

SECTION 2.7 ON-PREMISE SIGNS

On-premise signs in the commercial and industrial zones of the City shall be reviewed by the Planning Commission and shall be restricted to the standards in this section.

- A. The total perimeter area of a combination of signs may not exceed three-hundred (300) square feet. Unless otherwise prohibited by this section, the maximum perimeter area shall be one-hundred fifty (150) square feet for any individual sign.
- B. Freestanding signs in commercial and industrial zones are subject to the following restrictions.

FREESTANDING SIGNS				
ZONE	TYPE ALLOWED	NUMBER ALLOWED	MAXIMUM SIZE	MAXIMUM HEIGHT
C-1	Pole or Monument	1 *	150 sq. ft.	20 ft.
C-2	Monument	1 *	32 sq. ft.	8 ft.
C-3	Pole or Monument	1 *	40 sq. ft.	20 ft.
NC	Pole or Monument	1 *	32 sq. ft.	20 ft.
Industrial	Pole or Monument	1 *	150 sq. ft.	35 ft.

* One freestanding sign shall be allowed per business premise except as allowed by Section 2.7 (C) and Section 2.7 (D), below.

- C. Business premises with frontages on two one-way streets can have two (2) freestanding signs, one for each direction on opposing one way streets. A business mall shall be considered a single business for purpose of this section.
- D. If a business has more than one (1) frontage along traffic flows of opposite direction, the business may have one freestanding sign, for each direction of traffic flow.
- E. Building Signs - Each business shall be entitled to have two (2) square feet of flush mounted or wall sign area per -- lineal foot -- width of the building's dominant façade, with a maximum of one-hundred fifty (150) square feet of signs or six percent (6%) of the linear measurement of the building's dominant façade, whichever is more.

- F. Franchise Signs - Upon proof by a franchise business operator that display of a franchise sign is a necessary prerequisite to operation of the business of the franchise, and upon review and approval of the City Planning Commission, a franchise business operator may obtain an appropriate exception from application of this ordinance.

[Section 2.7 Amended by Ordinance No. 772, Passed by Council on July 25, 2006]

SECTION 2.8 REAL ESTATE SIGNS

Signs designating real estate for sale, rental or lease may be displayed on the premises to which they relate if they meet the following requirements:

- A. Residential Zone - Signs shall not exceed four (4) square feet in area with the maximum height not in excess of four (4) feet above grade level.
- B. Commercial and Industrial Zone - Signs for this purpose shall be allowed but shall not exceed thirty-two (32) square feet.

SECTION 2.9 PROJECTING SIGNS

A projecting sign shall not encroach onto adjoining premises.

SECTION 2.10 PROJECTING SIGNS; CLEAR VISION AREA

No sign shall project or extend into any clear vision area so as to cause or create a hazard or a risk of hazard for pedestrian or vehicular traffic.

SECTION 2.11 DIRECTIONAL SIGNS

On-premise directional signs designed to be read by a person on the premises on which the sign is located and used to identify or locate an entrance, exit, or drive-up window are limited to four (4) square feet in area and four (4) feet in height. If the sign is on the wall of the building, it shall be limited to four (4) square feet in area and eight (8) in height.

SECTION 2.12 ROOF SIGNS

Roof signs are prohibited. Signs may not extend above the roofline, eave, or parapet wall of the building to which they are attached.

[Amended by Ordinance No. 772, Passed by Council on July 25, 2006]

SECTION 2.13 BILLBOARDS

Billboards shall be regulated as follows:

A. Limitation On The Total Number Of Billboard Signs

The total number of billboard signs located within the City limits and Urban Growth Boundary shall be limited to eighteen (18). Signs lost or removed for any reason shall not be replaced until the total number of billboard signs in the city limits and Urban Growth Boundary is reduced to fourteen (14), which shall then become the maximum number of billboard signs permitted thereafter.

B. Replacement Of Billboard Signs

When the total number of billboard signs within the city limits and Urban Growth Boundary has been reduced in number to a total of fourteen (14), in accordance with subsection A above, billboard signs may be replaced upon application by any person or entity possessing an appropriate State of Oregon permit, subject at all times to the maximum fourteen (14) sign number limitation.

No person or entity shall file an application for a new or replacement billboard sign without proof of possession of a valid State of Oregon permit allowing placement of a billboard sign within the designated city limits and Urban Growth Boundary. New or replacement billboards shall be permitted only as provided in subsection C below.

C. Maximum Size Limit For Replacement Billboard Signs Noted In This Section

The maximum size of each replacement billboard sign, noted in Subsection B above, shall be two-hundred fifty (250) square feet per side.

No billboards shall be permitted on 4th or 5th Streets between S.E. "J" Street and N.E. Cedar Street.

There should be allowed only one billboard per premise.

No billboard shall be located within 400 feet of another billboard.

No billboard shall exceed thirty-five feet (35') in height.

SECTION 2.14 DIRECTIONAL KIOSKS

Directional Kiosk shall be regulated as follows:

1. Purpose: Directional Kiosks are intended to provide signage for new neighborhoods/subdivisions being developed in the City of Madras. Directional Kiosks are not intended to provide signage for:
 - A. Commercial businesses or property located in any Commercial zone on the City of Madras Zoning Map.
 - B. The advertisement of individual dwelling units or parcels (i.e. typical real estate signs).
 - C. The advertisement of any public facility.

2. Exceptions:
 - A. Directional Kiosks may be used for advertisement of community events if there is vacant sign space. For the purposes of this exception only in this ordinance, a community event is defined as an event that is open to the public and significant to the entire community.

3. Management: The City of Madras shall own, operate, and permit all Directional Kiosks and signage on Directional Kiosks.

4. Procedure: An application shall be submitted to the Community Development Department with the appropriate fee for review. Fees shall be established periodically by the City Council. The Community Development Director shall process Directional Kiosk applications consistent with Article 5-PROCEDURE of this ordinance.
 - A. Sign Lease Terms: The City of Madras will lease signage on Directional Kiosks to neighborhood/subdivision property owners on the following terms:
 - i. Property owners are responsible for providing signage that will be placed on the Directional Kiosk. All language and content shall be approved by the City.
 - ii. Leases shall be limited to six (6) month periods. Property owners may lease signage for consecutive six (6) month periods so long as there are no other property owners requesting signage to be placed on a Directional Kiosk. If there are property owners waiting to access a Directional Kiosk they shall be assigned space on the Kiosk in the order in which the application was received by the Community Development Department. The Community

Development Director shall establish procedures to ensure equal access to Directional Kiosks.

5. Location: Directional Kiosks shall be only located on properties adjacent to streets that are functionally classified as Collector and Arterial streets shown in the City of Madras Transportation System Plan. Prior to installation, the City Council shall review and approve the location and design of all Directional Kiosks.
6. Size: Directional Kiosks shall be free-standing monument signs.
7. Height: Directional Kiosks shall be eight (8) feet or less in height.

[Section 2.14 Added by Ordinance No. 818, Passed October 13, 2009]

ARTICLE 3: TEMPORARY AND SPECIAL SIGNS

SECTION 3.1 POLITICAL SIGNS

Political signs shall be located on private property with the consent of the legal owner of the property, and shall be removed within five (5) days after the election date. The campaign chairperson shall be held responsible for any violations.

SECTION 3.2 GARAGE AND YARD SALE SIGNS

[Section 3.2 removed by Ordinance No. 854, Passed by Council on April 23, 2013.]

SECTION 3.3 CONSTRUCTION SIGNS

Signs designating architects, engineers, financial investments, and construction organizations on construction projects within the city shall be allowed. Such signs, however, shall not exceed thirty-two (32) square feet in area and shall be used primarily for the purpose of publicizing the construction. Signs placed pursuant to this section shall be removed ten (10) days after completion of the construction project, or upon occupancy of the building, whichever first occurs.

ARTICLE 4: EXEMPT SIGNS**SECTION 4.1 SIGNS THAT ARE EXEMPT**

The following signs or displays are exempted from this ordinance.

- A. Signs placed by the City, County, State or Federal governments.
- B. Traffic or pedestrian control signs.
- C. Signs indicating scenic or historic buildings or points of interest.
- D. Signs required by law.
- E. Official public notices, official court notices or official sheriff's notices.
- F. Interior building signs.
- G. Plaques, tablets or inscriptions indicating the name of a building, its date of construction or other commemorative information which are attached flat to the building and do not exceed three (3) square feet in area.
- H. Seasonal decorations within the appropriate holiday season.
- I. Sculptures, fountains, mosaics or other art which do not incorporate advertising or identification.
- J. Signs constructed to identify public services such as fire, police or hospital facilities.

ARTICLE 5: PROCEDURE**SECTION 5.1 PERMIT APPLICATIONS**

Applications for a sign permit shall be made in writing upon forms furnished by the City of Madras. Such applications shall include a scale drawing of the sign including dimensions, height and materials and show its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted which indicates the location of proposed signing relative to street and property lines.

Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign and a building permit may be required. The Building Official, City Planning Director or designee may require other pertinent information where in their opinion, such

information is necessary to determine compliance with the provisions of this ordinance. The applications shall be acted upon within fifteen (15) days.

SECTION 5.2 **ISSUANCE OF PERMIT**

The Building Official or designee shall issue a permit for a sign covered by application duly made unless the sign is in violation of the provisions of this ordinance. Sign permits mistakenly issued in violation of this ordinance are void.

SECTION 5.3 **PERMIT REVOCATION**

The Building Official or designee may revoke a sign permit if he finds that there was a material and misleading false statement of fact in the application for the permit.

SECTION 5.4 **PERMIT TIME RESTRICTIONS**

A sign permit shall be null and void if work for which the permit was issued has not been completed within a period of six (6) months of the date of issuance of the permit.

SECTION 5.5 **TEMPORARY SPECIAL PERMITS**

The City Planning Director or designee may grant temporary special permits for signs pertaining to any civic, patriotic or special event of general public interest, or any other activities within the city limits.

ARTICLE 6: MAINTENANCE AND ENFORCEMENT

SECTION 6.1 **EXISTING SIGN ALTERATION OR REPLACEMENT**

Businesses or premises which currently have signs at the date of adoption of this ordinance which are non-conforming to this ordinance shall not be altered or replaced unless the sign is made to conform with the provisions of this ordinance, or otherwise allowed under Section 6.4, Sign Maintenance Requirements.

[Section 6.1, paragraph 1, amended by Ordinance No. 815, passed February 24, 2009.]

Businesses or premises with a pre-existing non-conforming sign shall not be eligible for any additional signs on the premises until the existing signs are made to conform to the requirements of this ordinance.

SECTION 6.2 **DAMAGED SIGNS**

Any sign which is damaged by over fifty-one percent (51%) shall not be eligible for repair but shall be replaced with a new, conforming sign.

SECTION 6.3 **ABANDONED SIGNS**

No person, firm, or corporation, shall abandon any sign within the city limits. A sign which advertises service or a business which is not available and has not been available for a period of not less than six (6) months, shall be presumed to be abandoned. The City of Madras may remove any abandoned sign and may place a lien against the property where the sign is located. The amount of the lien shall be the cost and expenses reasonably incurred by the City of Madras in removing the abandoned sign.

The City of Madras may remove any sign which is erected or placed upon premises after the effective date of this ordinance without a permit. The city may place a lien against the property upon which the sign was located for the reasonable costs and expenses incurred by the city in removal of said sign.

SECTION 6.4 **SIGN MAINTENANCE REQUIREMENTS**

- A. All signs within the city limits shall be maintained in a secure and safe manner. Maintenance includes minor repairs necessary to maintain the sign in its original state.
- B. Maintenance to pole signs located in the Downtown Commercial (C-2) zone shall be allowed to:
 - 1) be maintained as defined in Section 8-9.6.4(A) of this Ordinance; and
 - 2) change the business name and logo on existing pole signs so long as the use of a building does not change (i.e. retail to retail). A change in use of a building requires all signage to comply with all requirements of this ordinance. A change of use shall be determined by the difference in the minimum number of required off-street parking spaces between the previous and proposed use as required in Table 4.5-1 Section 8-12.4.5 of the City of Madras Zoning Ordinance. If there is a difference in the minimum number of required off-street parking spaces, it shall constitute a change of use for only the purposes Sign Maintenance Requirements of this Ordinance.

[Subsection B Added by Ordinance No. 815, February 24, 2009]

- C. Portable and freestanding signs shall be kept clear of rubbish and weeds. All other signs shall be securely mounted to a structure. If any sign is found not to be securely mounted, or if it is a hazard, the owner shall be notified and shall be instructed to secure the sign. If the owner shall fail or neglect to secure the sign after ten (10) days previous notice, the city may remove the sign.

If the city is required to remove any sign pursuant to this section, the city may place a lien against the property upon which the sign is located for the reasonable costs and expenses incurred by the city in removal of the sign.

SECTION 6.5 **PERMIT FEE SCHEDULE**

The Common Council of the City of Madras shall establish, and from time to time revise, a permit fee schedule for sign permits issued under this ordinance. The fee schedule shall be reasonably related to the costs and expenses incurred by the City of Madras for administration of this ordinance, and a minimum permit fee shall be established by the Council.

SECTION 6.6 **ENFORCEMENT**

This ordinance shall be enforced by Court proceedings and by any other remedy available to the City of Madras, in law or in equity, including but not necessarily limited to the filing of property liens and foreclosure thereof in the appropriate courts. For any violation of this ordinance, the owner and/or tenant of the property where the violation occurred may be cited to appear in court to answer a complaint filed on behalf of the City of Madras.

SECTION 6.7 **PENALTIES**

Upon any conviction for a first violation of this ordinance, the court may impose a fine not to exceed \$150. For any subsequent violation and conviction thereof, the violator may be fined up to \$250. Each day that a violation of this ordinance continues may be considered a separate violation and a separate citation may be issued to the responsible party.

ARTICLE 7: VARIANCE

SECTION 7.0 **AUTHORIZATION TO GRANT OR DENY VARIANCES**

An applicant for a sign permit or an applicant owning or leasing a sign that is not in compliance with the provisions of this ordinance, may seek a variance to the provisions of this ordinance. The Planning Commission may authorize a variance from the requirements of this ordinance. To support such a request, the applicant must show that owing to special and unusual circumstances related

to a specific lot, strict application of the ordinance would result in practical difficulties or cause undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and which otherwise achieves the purpose of this ordinance.

SECTION 7.1 **CIRCUMSTANCES FOR GRANTING A VARIANCE**

A variance may be granted upon a finding that all of the following circumstances exist:

- A. The request will be the minimum variance necessary to alleviate the hardship or practical difficulties faced by the applicant in meeting the requirements of this ordinance.
- B. There are exceptional or extraordinary circumstances that 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 the property have no control.
- C. 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.
- D. The variance would not be materially detrimental to the proposes 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 the Comprehensive Plan or policies.

SECTION 7.2 **PROCEDURE FOR TAKING ACTION ON
A VARIANCE APPLICATION**

The procedure for taking action on an application for a variance shall be as follows:

- A. A property owner may initiate a request for a variance by filing an application with the City Recorder, using forms prescribed pursuant to Section 5.1.
- B. Before the Planning Commission may act on a variance application, it shall hold a public hearing.

- C. The decision of the Planning Commission shall be final unless appealed to the City Council.
- D. Within five (5) days after a decision has been rendered with reference to a variance application, the City Recorder shall provide the applicant with written notice of the decision of the Planning Commission.

SECTION 7.3 **TIME LIMIT ON A PERMIT FOR A VARIANCE**

Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request.

SECTION 7.4 **LIMITATION ON RE-APPLICATIONS**

No application of a property owner for a variance shall be considered by the Planning Commission within a one-year period immediately following a previous denial of such request.

ARTICLE 8: APPEALS

SECTION 8.1 **FILING OF APPEALS**

An appeal from a ruling of the City Administrative Officer, Planning Director or the Site Plan Review Committee regarding a requirement of this ordinance shall be filed with the Planning Commission.

SECTION 8.2 **APPEAL REQUIREMENTS**

Any aggrieved party may appeal an action or ruling of the Planning Commission pursuant to this ordinance within fifteen (15) days after the Planning Commission has rendered its written decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If an appeal is filed, the City Council shall receive the decision and findings from the Planning Commission and shall conduct a public hearing on the appeal.

SECTION 8.3 **EMERGENCY CLAUSE**

It is hereby determined and declared that existing conditions are such that it is necessary for the immediate preservation of the peace, health, general welfare, and safety of the City of Madras that

an emergency be declared to exist; therefore this ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras, Oregon.

PASSED by the Council and approved by the Mayor on May 28, 2002. (Passage ratified on June 11, 2002.)