

**ORDINANCE 1645**

**AN ORDINANCE MAKING CHANGES TO TITLES 16 & 17 OF THE BANDON MUNICIPAL CODE AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF BANDON ORDAINS AS FOLLOWS:**

Title 16, Application Review Procedures and Approval Criteria

**Section 1.** 16.04.020, References, is added to provide as follows:

16.04.020      References

Throughout Title 16 and 17, all references to the term "Planning Director" means the Planning Director or their designee.

**Section 2.** 16.04.100, Authority of hearing officer, of the Bandon Municipal Code is deleted.

**Section 3.** 16.04.120, Interpretation, of the Bandon Municipal Code is amended to provide as follows:

- A. The provisions of this title shall be held to be the minimum requirements necessary to fulfill the objectives of this title. Where conditions are imposed under or by provisions of this title or any other ordinance, resolution, or regulation, the provisions which are more restrictive shall apply.
- B. The Planning Director shall have the authority to interpret the Comprehensive Plan, Title 16

and Title 17 and their applicability to specific properties.

C. Anyone may initiate an application for an interpretation, except that an application for an interpretation of the applicability of the Comprehensive Plan, Title 16 or Title 17 to a specific property may only be initiated by the following:

- 1. The owner of the subject property;
- 2. The contract purchaser of the subject property, if the application is accompanied by proof of the purchaser's status as such;
- 3. The agent of the owner or contract purchaser of the subject property, if the application is duly authorized in writing by the owner or the contract

D. Requests for interpretation shall be submitted on a form provided by the City and accompanied by the required fee.

E. For requests made by the general public, the City shall issue a written interpretation within 14 days of the request. The decision shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The decision shall become effective 14 days later unless an appeal is filed in accordance with subsections (E) or (F) of this section.

Appeals of Planning Director interpretations or requests by Staff for interpretation shall be heard by the Planning Commission through the Type II process described in 16.04.060.

A Type II decision by the Planning Commission may be appealed to the Council based on the process listed in 16.04.060 (D).

**Section 4.** 16.08.030 (A), Preliminary Plat Approval Process, of the Bandon Municipal Code is amended to provide as follows:

- A. Review of Preliminary Plat. Preliminary plats shall be processed using the Type II procedure under Section 16.04.060. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 16.08.070.

**Section 5.** 16.08.040 (D), Pre-Planning for Large Sites, of the Bandon Municipal Code is amended to provide as follows:

- D. Criteria. The conceptual plan required under subsection C, above, is not required to be engineered but shall have a sufficient level of detail so that the City officials can determine that it meets the following design guidelines:
  - 1. Streets are interconnected to the extent practicable; blocks are walkable in scale (generally 200-600 feet in length), except where topography, existing development, or other physical features require longer blocks, in which case pedestrian access ways connect through long blocks;
  - 2. Water, sewer, and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated;
  - 3. Overall, the plan achieves a housing density that is consistent with the Comprehensive Plan and Development Code; and
  - 4. The plan reserves land needed for public use (e.g., schools, parks, fire stations, and other facilities), in accordance with the Comprehensive Plan and to the extent allowed under applicable law.
- 5. Implementation. The City will review the conceptual master plan required by this section and provide input to the applicant during the pre-application meeting for the land use application or annexation petition, as applicable. The City may also refer the plan to outside agencies with jurisdiction for their input. The master plan is not binding, but the applicant is encouraged to refine the plan based on City input before submitting a land use application or annexation petition for the subject property.

**Section 6.** 16.12.060, Application for a conditional use, of the Bandon Municipal Code is amended to provide as follows:

16.12.060      Application for a conditional use.

The applicant for a conditional use proposal shall be the recorded owner of the property or an agent authorized in writing by the owner. They may initiate a request for a conditional use permit or the modification of an existing, functioning conditional use permit by filing an application with the city using forms prescribed for that purpose.

In addition, the following shall be supplied by the applicant:

- A. One copy of the site development plan(s) drawn to scale and necessary data or narrative which explains how the development conforms to the standards;
- B. The required fee;
- C. The conditional use plan, data and narrative shall include the following:
  - 1. Existing site conditions,
  - 2. A site plan for all proposed improvements,
  - 3. A grading plan,
  - 4. A landscape plan,
  - 5. Architectural elevations of all structures,
  - 6. A sign plan,
  - 7. A copy of all existing and proposed restrictions or covenants;
- D. In the case where any or all the above are unnecessary, as in the case of a change of use in an existing structure, the planning director shall determine which items in subsection (C)(1) through (7) of this section will not be required for application. The Planning Commission may request additional items if they determine that these additional items are necessary to understand and make a decision on the application.

**Section 7.** 16.12.090, Standards governing conditional uses, of the Bandon Municipal Code is amended to provide changes to sections J and K as follows:

- A. Bed and Breakfasts and Bed and Breakfast Inns. Bed and breakfasts and bed and breakfast inns are conditional uses in the CD-1, CD-2, and CD-3 zones, and they shall comply with all of the provisions pertaining to vacation rentals as listed in subsection K of this section.
- B. Vacation Rental Dwellings. Vacation rental dwellings (VRDs) are a conditional use in the CD-1, CD-2, CD-3, and C-3 zones and are subject to the requirements of this chapter. Conditional use permits are a discretionary decision by the City subject to review by the Planning Commission. VRD's are not an outright permitted use in the CD-zones.

Title 17, Zoning

**Section 8.** Section 17.02 of the Bandon Municipal Code is amended by deleting the definitions of "Adult foster home;" "Dwelling, two-family;" "Open space (common/private/active/passive);" "Retail Establishment;" adding the definitions of "Community Service, including governmental, emergency service, or non-profit;" "Parks and Open Space;" "Residential Use;" and "Retail Sales and Services;" and amending the definitions of "Duplex;" "Dwelling unit," "Manufactured home," "Office;" "Planning Director"; "Residential facility," "Residential Home;" "Retail Establishment;" and "Senior housing;" to provide as follows:

"Community Service, including governmental, emergency service, or non-profit" means uses of a public, non-profit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide services on-site, or have employees on-site on regular basis. The service is on-going and not for special events. Private lodges,

clubs, and non-profit organizations that have membership provisions are considered a Community Service.

"Duplex" means a structure that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

"Dwelling unit" means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless they additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

"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, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standard regulations in effect at the time of construction.

"Office" means a use characterized by activities conducted in an office setting and generally focusing on business, government, professional, or financial services, unless classified otherwise.

"Parks and Open Space" means public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

"Planning Director" means the Planning Director or their delegate.

"Residential facility" means a residential care, residential training, or residential treatment facility that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen 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 resident of the residential facility.

"Residential home" means a residential treatment or training home, a residential facility registered, or an adult foster care home licensed that provides residential care alone or in conjunction with treatment or training or a combination thereof for 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 resident of the residential home. All facilities must be licensed.

"Residential Use" means a long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

"Retail Sales and Services" means a use that sells, leases, or rents new or used products, goods, or services. Excludes recreational or medical marijuana facilities, auto repair, or other uses that are defined separately.

"Senior housing" means housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent,

rehabilitation, or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities. All uses must be state-licensed, if applicable.

**Section 9.** 17.08.010, Classification of Zones, of the Bandon Municipal Code is amended to provide as follows:

17.08.010 Classification of zones.

Classification of zones. For the purpose of this title, the city is divided into zones designated as follows:

Zone	Abbreviated
Residential 1	R-1
Residential 2	R-2
Controlled development 1	CD-1
Controlled development 2	CD-2
Controlled development 3	CD-3
Controlled development residential 1	CD-R1
Controlled development residential 2	CD-R2
Old Town commercial	C-1
General commercial	C-2
Marine commercial	C-3
Light industrial	LI
Heavy industrial	HI
Public facilities and parks	PF
Water	W
Natural resource and open space	NR
Historic-cultural overlay	HC
Shoreland overlay	SO
Beaches and Dunes Overlay	BDO
Hazard Overlay	HO
Architectural review overlay	AR
Airport overlay	AO
Communications Tower Overlay	CTO

**Section 10.** Throughout Title 17 of the Bandon Municipal Code, the term “Two family dwelling” is replaced with “Duplex Dwelling;” the term “Park and recreation facility” is replaced with “Public Park and recreation facility;” the terms “Governmental structure or use” is replaced with “Community service, including governmental, emergency service, or non-profit offices;” variations of the term “Business or professional offices” is replaced with “Offices, unless defined differently elsewhere;” the terms “Parking to serve a location or use in a different zone where the parking area borders the different zone” and “Public parking,” are replaced with “Automobile Parking, Public Off-Street Parking;” the term “Community center” is replaced with “Community club or building;” variations of the terms “Medical, dental, or related office,” “Medical, dental, or related clinic,” and “Health care service

facilities, including office” are replaced with “Clinic or office, outpatient only;” the term “Hospital” is replaced with “Medical Center (public);” the term “Drugstore, provided that they are primarily for the sale of drugs” is replaced with “Urgent Care/Pharmacy (retail);” the term “Residential facility” is replaced with “Residential Care Facility;” variations of the terms “Gift, art, or handicraft store,” “Eating and drinking establishment,” “Gourmet or specialty food or wine shop,” “Clothing store,” “Barber shop or beauty shop,” “Hardware store, florist shop, or specialty store,” “Retail trade establishments such as food, drug, hardware, furniture, florist, appliance, gift, clothing, novelty, department or general merchandise store,” “Personal and business services such as office supplies, barber, tailoring, printing, laundry (including self-service), and dry cleaning shop,” “Specialty or art shop or store,” “Grocery or food store,” “Building materials, sales or services,” “Plumbing, electrical, paint or carpentry storage, sales, or contracting,” are replaced with “Commercial retail sales and services;” references to “Nursing home” is replaced with “Nursing, convalescent, or retirement home;” variations of the term “Publicly owned facilities and service, and public utilities” is replaced with “Public Utilities,” “Apartment, provided that they are an accessory use incidental to a listed permitted or conditional use in the building” is replaced with “Residential uses accessory to other non-residential conditional or permitted uses;” the term “Indoor recreational establishments” is replaced with “Recreation facilities;” the term “Museums, galleries, and parks and recreation facilities” is replaced with “Museums and tourist information centers” and “Public parks and recreation facilities,” separately; and references to “Adult foster care home”, “Eating and drinking establishment” “Gourmet or specialty food or wine shop,” “Clothing store,” “Barber shop or beauty shop,” “Hardware store, florist shop, or specialty store,” “Retail trade establishments such as food, drug, hardware, furniture, florist, appliance, gift, clothing, novelty, department or general merchandise store,” “Personal and business services such as office supplies, barber, tailoring, printing, laundry (including self-service), and dry cleaning shop,” “Specialty or art shop or store,” “Grocery or food store,” “Building materials, sales or services,” “Plumbing, electrical, paint or carpentry storage, sales, or contracting,” and variations of “Planned unit development” are deleted.

**Section 11.** 17.20.040, Limitation on use, of the Bandon Municipal Code is amended to delete section 17.20.040(B) and (D) and provide as follows:

17.20.040      Limitations on use.

- A.      Drive-up uses are prohibited.
- B.      Siting of structures should minimize negative impact on the ocean views of existing structures on abutting lots. Protection of views from vacant building sites should also be taken into consideration. Where topography permits, new structures should be built in line with other existing structures and not extend farther out into those viewscapes.
- C.      Metal-sided buildings are not permitted in the CD-1 zone.
- D.      No structures shall be located on identified foredunes. Breaching of foredunes shall only be allowed on a temporary basis in a dire emergency and shall be followed immediately by replenishment of sand, structural or binding material and vegetation, to the height of the surrounding existing dune. It shall be the responsibility of the developer or the party responsible to rebuild any breach or reestablish any vegetation that is removed, displaced or damaged on any bluff, foredune, or in construction or site preparation. Such reestablishment shall begin as soon as possible after the aforementioned activity is complete. If the

reestablishment is not started immediately, the city manager or designate shall require a bond in a sufficient amount to cover the costs of such rebuilding or reestablishment of vegetation.

E. All homes in the CD-1 zone, including but not limited to conventionally constructed homes and manufactured homes, shall utilize at least eight of the following design features (at least four of these features required must be integrated on a face of the dwelling):

1. Garage constructed with finish materials matching the residence;
2. Hip Roof
3. Roof with a pitch at or greater than 3/12;
4. Hip Roof;
5. Gables;
6. Mullioned Windows
7. Eaves with a minimum projection of six inches;
8. Tile or architectural grade shingles;
9. Dormers;
10. Offsets on the building face or roof of at least twelve (12) inches;
11. Cupolas;
12. Covered porch - a minimum of 25 square feet;
13. Recessed entry area a minimum of three feet
14. Pillars or posts;
15. Bay windows;
16. Window shutters;
17. Clerestory windows;
18. Horizontal lap siding on 100% of the exterior, cedar shake or shingle or shingle siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.

**Section 12.** 17.20.070, Yards, of the Bandon Municipal Code is amended to delete the reference to a bed and breakfast inn in section (D) to provide as follows:

17.20.070      Yards.

Except as provided in Section 17.104.060, yards in the CD-1 zone shall be as follows:

- A. The front yard shall be a minimum of twenty (20) feet.

- B. Each side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of thirteen (13) feet, except that for corner lots, a side yard abutting a street shall be at least fifteen (15) feet.
- C. The rear yard shall be at least ten (10) feet except that in such a required rear yard, storage structures (less than fifty (50) square feet), and other non-habitable structures may be built within five feet of the rear property line, provided that they are detached from the residence and the side yard setbacks are maintained. Such structures shall not be used as or converted for habitation, shall not be connected to any sewer system and shall not exceed sixteen (16) feet in height.
- D. Where a side yard of a new commercial structure abuts a residential use, that yard shall be a minimum of fifteen (15) feet.
- E. A rear yard abutting Beach Loop Drive shall be a minimum of fifteen (15) feet.

**Section 13.** 17.24.040, Limitations on use, of the Bandon Municipal Code is amended to delete sections 17.24.040(B) and (D) as follows:

- A. Drive-up uses are prohibited.
- B. Metal-sided buildings are prohibited.
- C. No structures shall be located on identified foredunes. Breaching of foredunes shall only be allowed on a temporary basis in a dire emergency and shall be followed immediately by replenishment of sand, structural or binding material and vegetation, to the height of the surrounding existing dune. It shall be the responsibility of the developer or the party responsible to rebuild any breach or reestablish any vegetation that is removed, displaced or damaged on any bluff, foredune, or in construction or site preparation. Such reestablishment shall begin as soon as possible after the aforementioned activity is complete. If the reestablishment is not started immediately, the city manager or designate shall require a bond in a sufficient amount to cover the costs of such rebuilding or reestablishment of vegetation.
- D. Recreational vehicles, trailer houses, boats eighteen (18) feet in length or greater, shall not be stored in a required front yard. For the purposes of this section, limitation on the storage of recreational vehicles shall apply only to recreational vehicles six feet six inches in height or greater.
- E. All homes in the CD-2 zone, including but not limited to conventionally constructed homes and manufactured homes, shall utilize at least eight of the following design features (at least 4 of the design features must be integrated on a face of the dwelling):
  1. Garage constructed with finish materials matching the residence;
  2. Hip Roof
  3. Roof with a pitch at or greater than 3/12;
  4. Hip Roof;
  5. Gables;



6. Mullioned Windows
7. Eaves with a minimum projection of six inches;
8. Tile or architectural grade shingles;
9. Dormers;
10. Offsets on the building face or roof of at least twelve (12) inches;
11. Cupolas;
12. Covered porch - a minimum of 25 square feet;
13. Recessed entry area a minimum of three feet
14. Pillars or posts;
15. Bay windows;
16. Window shutters;
17. Clerestory windows;
18. Horizontal lap siding on 100% of the exterior, cedar shake or shingle or shingle siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.

**Section 14.** 17.24.070, Yards, of the Bandon Municipal Code is amended to delete the reference to a bed and breakfast inn in section (D) to provide as follows:

17.24.070      Yards.

Except as provided in Section 17.104.060, in the CD-2 zone, yards shall be as follows:

- A. The front yard shall be at least twenty (20) feet.
- B. Each side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of thirteen (13) feet, except that for corner lots, a side yard abutting a street shall be at least fifteen (15) feet.
- C. The rear yard shall be at least ten (10) feet, except that in such a required rear yard, storage structures (less than fifty (50) square feet), and other non-habitable structures may be built within five feet of the rear property line, provided that they are detached from the residence and the side yard setbacks are maintained. Such structures shall not be used as or converted for habitation, shall not be connected to any sewer system and shall not exceed sixteen (16) feet in height.
- D. Where a side yard of a new commercial structure abuts a residential use, that yard shall be a minimum of fifteen (15) feet.

**Section 15.** 17.28.040, Limitations on use, of the Bandon Municipal Code is amended to delete sections 17.24.040 (D) and (E) and amend 17.24.040(B) as follows:

17.28.040 Limitations on use.

- A. Drive-up uses are prohibited.
- B. Sheet metal-sided buildings are prohibited.
- C. All homes in the CD-3 zone, including conventionally constructed and manufactured homes, shall utilize at least eight of the following design features (at least 4 of the design features required must be integrated on a face of the dwelling):
  - 1. Garage constructed with finish materials matching the residence;
  - 2. Hip Roof
  - 3. Roof with a pitch at or greater than 3/12;
  - 4. Hip Roof;
  - 5. Gables;
  - 6. Mullioned Windows
  - 7. Eaves with a minimum projection of six inches;
  - 8. Tile or architectural grade shingles;
  - 9. Dormers;
  - 10. Offsets on the building face or roof of at least twelve (12) inches;
  - 11. Cupolas;
  - 12. Covered porch - a minimum of 25 square feet;
  - 13. Recessed entry area a minimum of three feet
  - 14. Pillars or posts;
  - 15. Bay windows;
  - 16. Window shutters;
  - 17. Clerestory windows;
  - 18. Horizontal lap siding on 100% of the exterior, cedar shake or shingle siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.

**Section 16.** 17.32.040, Limitations on use, of the Bandon Municipal Code is amended to delete section 17.32.040 (A) and provide as follows:

17.32.040 Limitations on use.

- A. Siting of structures should minimize negative impacts on the views of the ocean or river of existing structures on abutting lots. Protection of views from vacant building sites should also be taken into consideration. Where topography permits, new structures should be built in line with other existing structures and not extend farther out into those views. It shall be the responsibility of the developer to reestablish any vegetation that is removed, displaced or damaged on or near any bluff area in construction or site preparation. Such reestablishment shall begin as soon as possible after the

aforementioned activity is complete. If the reestablishment is not started immediately, the city manager or designate shall require a bond in a sufficient amount to cover the costs of such reestablishment of vegetation.

- B. Metal-sided buildings are prohibited in the CD-R1 zone.
- C. All homes in the CD-R1 zone, including but not limited to conventionally constructed homes and manufactured homes, shall utilize at least eight of the following design features (at least 4 of the design features required must be integrated on a face of the dwelling):
  1. Garage or constructed with finish materials matching the residence;
  2. Roof with a pitch at or greater than 3/12;
  3. Hip Roof;
  4. Gables;
  5. Mullioned windows;
  6. Eaves with a minimum projection of twelve inches;
  7. Tile or architectural grade shingles;
  8. Dormers;
  9. Offsets in the building face of at least two feet;
  10. Cupolas;
  11. Covered porch - a minimum of 25 square feet;
  12. Recessed entry area a minimum of three feet;
  13. Pillars or posts - decorative in nature;
  14. Bay windows;
  15. Window shutters;
  16. Clerestory windows;
  17. Horizontal lap siding on 100% of the exterior, cedar shake or shingle siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.

**Section 17.** 17.32.100, Exceptions to height limitation is added to the Bandon Municipal Code to provide as follows:

17.32.100      Exceptions to height limitations.

- A. Chimneys, provided that they do not extend more than five feet above the highest point of the proposed structure.
- B. Private, non-commercial antennas or HAM radio antennas and towers up to seventy (70) feet in height, provided that no commercial communication equipment is located on or near such antennas. Such antennas exceeding seventy (70) feet may be allowed as a

Conditional Use.

**Section 18.** 17.36.040, Limitations on use, of the Bandon Municipal Code is amended to amend section 17.36.040 (A) and delete 17.36.040 (C) to provide as follows:

- A. Siting of structures should minimize negative impacts on the views of the ocean or river of existing structures on abutting lots. Protection of views from vacant building sites should also be taken into consideration. Where topography permits, new structures should be built in line with other existing structures and not extend farther out into those viewscapes.
- B. It shall be the responsibility of the developer to reestablish any vegetation that is removed, displaced or damaged on or near any bluff area in construction or site preparation. Such reestablishment shall begin as soon as possible after the aforementioned activity is complete. If the reestablishment is not started immediately, the city manager or designate shall require a bond in a sufficient amount to cover the costs of such reestablishment of vegetation.
- C. Metal-sided buildings are prohibited in the CD-R2 zone.
- D. All homes in the CD-R2 zone, including but not limited to conventionally constructed homes and manufactured homes shall utilize at least eight of the following design features (at least 4 design features required must be integrated on a face of the dwelling)
  - 1. Garage or constructed with finish materials matching the residence;
  - 2. Roof with a pitch at or greater than 3/12;
  - 3. Hip Roof;
  - 4. Gables;
  - 5. Mullioned windows;
  - 6. Eaves with a minimum projection of twelve inches;
  - 7. Tile or architectural grade shingles;
  - 8. Dormers;
  - 9. Offsets on the building face of at least two feet;
  - 10. Cupolas
  - 11. Covered porch - a minimum of 25 square feet;
  - 12. Recessed entry area a minimum of three feet;
  - 13. Pillars or posts - decorative in nature;
  - 14. Bay windows;
  - 15. Window shutters;
  - 16. Clerestory windows;
  - 17. Horizontal lap siding on 100% of the exterior, cedar shake or shingle siding on 100%

of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.

**Section 19.** 17.44.030, Conditional Uses, of the Bandon Municipal Code is amended to clarify the allowed conditional uses to provide as follows:

17.44.030 Conditional uses.

In the C-2 zone, the following uses and their accessory uses may be allowed in accordance with Chapter 16.12 and the provisions of this title:

- A. Drive-up uses, in accordance with Section 16.12;
- B. Museums, tourist information centers;
- C. Public parks and recreational facility;
- D. Food or dairy products processing;
- E. Single-family dwelling, including mobile and manufactured dwelling;
- F. Duplex Dwelling;
- G. Multiple-family Dwelling;
- H. Recreational vehicle park, overnight trailer parking;
- I. Public utilities
- J. Residential care home or facility;
- K. Churches;
- L. Any fuel dispensing of fuel storage facilities.
- M. Medical / Recreational Marijuana Facilities, subject to the following requirements:
  - 1. Must acquire a conditional use permit and provide proof of State licensing. Permit must have a description of location, nature of the operation, accounting and inventory control system used, and names and addresses of individuals with financial interest in the dispensary.
  - 2. Must meet all City land-use, building, and fire laws.
  - 3. May not produce any extracts, oils, resins, or other derivatives on-site. Marijuana and marijuana-infused products cannot be used on-site.
  - 4. Must utilize air filtration and ventilation systems to confine objectionable odors.
  - 5. Anyone convicted of the manufacture or delivery of a controlled substance once or more in the previous 5 years or twice in a lifetime cannot be an operator or employee or have a financial interest in the dispensary.
  - 6. Minimum parking space requirements will be one space per six hundred (600) square feet of floor area plus one space per two employees.
  - 7. Hours of Operation any eight hours between the hours of 8 A.M. and 8 P.M.
  - 8. No display promoting or showing any product that can be seen by the public or adjacent public right of way.
  - 9. Adhering to all requirements of Bandon Code.
  - 10. The business must be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.
  - 11. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.
  - 12. As with any state law governing the location of medical/recreational marijuana facilities in regard to school property no recreational or medical marijuana facility may be located within 1500 linear feet of any boundary line of the

following described property:

28-14-30AB, Tax Lot(s): 2300  
28-14-30AC, Tax Lot(s): 11800  
28-15-25DA, Tax Lot(s): 5800 and 6000  
28-15-25DB, Tax Lot(s): 93000  
28-15-25DC, Tax Lot(s): 9100  
28-15-25DD, Tax Lot(s): 300, 600, 1500, 3200, 3300, 4001, 4100, 4600,  
4801, and 6300.

13. In addition, no medical/recreational marijuana facility may be located within 1500 linear feet of any boundary line of 28-14-30CA, Tax Lot(s) 6500, which currently operates as a Head Start facility.

**Section 20.** 17.104.020, General provisions regarding accessory uses, of the Bandon Municipal Code is amended to remove the parking requirement (17.104.020(B)(4)) to provide as follows:

17.104.020 General provisions regarding accessory uses.

- A. Accessory Uses: accessory uses shall comply with all requirements for the primary use except where specifically modified by this title and shall comply with the following limitations:
  1. No sales shall be made from a greenhouse or hothouse maintained as accessory to a dwelling.
  2. A home occupation, when conducted as an accessory use to a dwelling in a residential zone, shall be subject to the following limitations:
    - a. No exterior display shall be permitted.
    - b. Exterior signs shall be restricted to those generally permitted in the zoning district in which the home occupation is located.
    - c. No exterior storage of materials shall be permitted.
    - d. There shall be no other exterior indication of the home occupation or variation from the residential character of the principal building.
- B. Accessory Dwellings: Accessory Dwellings are allowed as permitted uses in the following zones: R-1, R-2, CD-1, CD-3, CD-R1, CD-R2, or anywhere single-family dwellings are outright permitted. Accessory dwellings shall comply with all requirements of the primary use except where specifically modified by the title and shall comply with the following limitations:
  1. Accessory Dwelling Units are prohibited from use as a Vacation Rental Dwelling in all zones. Accessory Dwelling Units are also prohibited on properties designated as Vacation Rental Dwellings.
  2. A detached Accessory Dwelling shall not exceed 650 square feet of floor area, or 40 percent of the primary dwelling's floor area, whichever is smaller.
  3. An attached or interior Accessory Dwelling shall not exceed 650 square feet of floor area, or 40 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings 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 650 square feet.
  4. Development of an Accessory Dwelling Unit shall require the payment of a system development charge in rough proportionality to the amount charged for a single-family dwelling based on size. As the floor area of an ADU is limited to 40% of the floor area of the primary residence, the SDC for an ADU will be \$5,500, which is 40% of the

\$13,750 charged for a single-family dwelling.

5. Detached Accessory Dwelling Units shall have electric and water meters separate from the primary residence. For attached Accessory Dwelling Units, separate metering is optional.

**Section 21.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference error contained herein or in other provisions of the Bandon Municipal Code, to the provisions added, amended, or repealed herein.

**Section 22.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

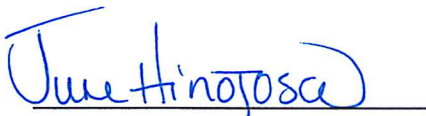
**Section 23.** This Ordinance shall take effect pursuant to Section 37 of the Bandon Charter, the thirtieth day after its enactment.

PASSED to a second reading this 1 day of August 2022 on a roll call vote, 5-0-1.

ADOPTED by the City Council this 15 day of August 2022 on a roll call vote, 6-0-0.

  
Mary Schamehorn, Mayor

Attest:

  
June Hinojosa, City Recorder