

CITY OF BANDON
ORDINANCE NO. 868

AN ORDINANCE ESTABLISHING ZONING REGULATIONS
FOR BANDON, OREGON

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ORDINANCE NO. 868

AN ORDINANCE ESTABLISHING ZONING REGULATIONS
FOR BANDON, OREGON.

The City of Bandon, Oregon, ordains as follows:

Section 1. Title. This ordinance shall be known as the “zoning ordinance” of the city.

Section 2. Purposes. The several purposes of this ordinance are:

to encourage the most appropriate use of land; to conserve and stabilize the value of property;
to aid in rendering fire and police protection; to provide for adequate light and air; to avoid

congestion; to encourage the orderly growth of the city; to facilitate adequate provisions for community facilities; and in general to promote the public health, safety, convenience, and general welfare.

Section 3. Definitions, As used in this ordinance the ' masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

- (1) Accessory structure or use. A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use.
- (2) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (3) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- (4) City. City of Bandon, Oregon.
- (5) Dwelling, multi-family. A building containing three or more dwelling units.
- (6) Dwelling, single-family. A detached building containing one dwelling unit.
- (7) Dwelling, two-family. A detached building containing two dwelling units.
- (8) Dwelling unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
- (9) Family. An individual or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.
- (10) Farming, farm use. The use of land for raising and harvesting of crops or for feeding, breeding, and management of livestock, dairying or any other agricultural or horticultural use, or any combination thereof, including the preparation of the products raised on the premises for man ' s use and disposal by marketing or otherwise.
- (11) Fence, sight obscuring. A fence or evergreen planting arranged in such a way as to obstruct vision.
- (12) Floor area. The area included within the surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.
- (13) Garage, private. An accessory building or portion of a main building used for the noncommercial parking or storage of vehicles.
- (14) Garage, public. A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire, or sale.
- (15) Grade (ground level). The average of the finished ground level at the center of

- all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
- (16) Height of building. The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the median height of the highest gable of a pitch or hip roof measured from the bottom to the top of the gable.
 - (17) Home occupation. An occupation commonly carried on within a dwelling by members of the family occupying the dwelling, without outside employees, provided that the residential character of the building is maintained and the occupation conducted in such a manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation does not involve the retail sale of a product on the premises nor the use of any accessory building, nor does it occupy more than 30 per cent of the floor area of the dwelling. A home occupation is an accessory use.
 - (18) Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
 - (19) Hotel. A building in which lodging is provided to guests for compensation and in which no provision is made for cooking in the lodging rooms.
 - (20) Kennel. A lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale.
 - (21) Lot. A parcel or tract of land.
 - (22) Lot area. The total horizontal area within the lot lines of a lot.
 - (23) Lot, corner. A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.
 - (24) Lot, depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
 - (25) Lot, interior. A lot other than a corner lot.
 - (26) Lot line. The property line bounding a lot.
 - (27) Lot line, front. In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
 - (28) Lot line, rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
 - (29) Lot line, side. Any lot line not a front or rear lot line.
 - (30) Lot width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
 - (31) Motel. A building or group of buildings on the same lot containing guest units with separate entrances directly to the exterior and consisting of individual sleeping quarters, detached or in connected rows, for rental to transients.
 - (32) Nonconforming structure or use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
 - (33) Parking space. A rectangular area not less than 20 feet long and 8 ½ feet wide together with maneuvering and access space sufficient to permit an automobile to park within the area.
 - (34) Person. Every natural person, firm, partnership, association, or corporation.
 - (35) Screening. See fence, sight obscuring.

- (36) Service drive. A driveway entering a street from a drive-in business establishment or from an off-street parking area, excluding residential driveways serving fewer than five dwelling units.
- (37) Sign. Any device designed to inform or to attract the attention of persons not on the premises. The area of a sign shall be the total of the exposed exterior display surface.
- (38) Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, the basement or cellar shall be considered a story.
- (39) Street. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.
- (40) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.
- (41) Structural alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.
- (42) Trailer house. A building or vehicle which was originally designed or presently constructed to be used as a human dwelling or lodging place and to be movable from place to place over streets.
- (43) Trailer park. A plot of ground upon which one or more trailer houses occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation.
- (44) Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
- (45) Vision clearance area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding 3-1/2 feet in height measured from the top of the curb or, where no curb exists, from the finished grade at the nearest property line.
- (46) Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
- (47) Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line, from the front lot line to the nearest point of the nearest building.
- (48) Yard, rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.
- (49) Yard, side. An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of a

building.

Section 4. Compliance with Ordinance Provisions.

- (1) No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this ordinance.
- (2) The planning commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Section 5. Classification of Zones. For the purpose of this ordinance, the city is divided into zones designated as follows:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential	R
Tourist Commercial	TC
General Commercial	GC
Industrial	M

Section 6. Zoning Map.

- (1) The location and boundaries of the zones designated in Section 5 are hereby established as shown on map entitled "Zoning Map of the City of Bandon, Oregon" dated with the effective date of this ordinance and signed by the mayor and city recorder, and hereafter referred to as the "zoning map."
- (2) The zoning map is hereby made a part of this ordinance.

Residential Zone R

Section 7. Uses Permitted Outright. In an R zone the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling.
- (2) Two-family dwelling.

Section 8. Conditional Uses Permitted. In an R zone the following uses and their accessory uses are permitted when authorized in accordance with Sections 31 to 36.

- (1) Boarding or rooming house.
- (2) Church.
- (3) Community club building.
- (4) Governmental structure or use, including but not limited to a public park, playground, recreation building, fire station, library, or museum.
- (5) Hospital, sanitarium, nursing home, or home for the aged.
- (6) Multi-family dwelling.
- (7) Public or private golf course.

- (8) Public utility station or substation, sewage or water pumping station, not including outside storage.
- (9) School: Nursery, primary, elementary, junior high, or senior high.
- (10) Trailer park.
- (11) Motel or resort hotel.

Section 9. Signs. In an R zone the following signs are permitted:

- (1) One name plate or home occupation sign, not more than one and a half square feet in area, for each dwelling. The sign shall not be illuminated.
- (2) One temporary sign, not more than six square feet in area, advertising the sale, lease, or rental of the property. The sign shall not be illuminated.
- (3) One temporary sign per tract of land or subdivision advertising the sale of the tract or lots in the tract. The sign shall not exceed 42 square feet in area, shall not be illuminated, and shall be set back at least 30 feet from the street.
- (4) A sign for a conditional use in accordance with Section 36 (4).

Section 10. Lot Size. In an R zone except as provided in Section 45, minimum lot size shall be as follows:

- (1) For a single-family dwelling lot area shall be at least 5,400 square feet; for a two-family dwelling lot area shall be at least 9,000 square feet; for a multi-family dwelling lot area shall be at least 9,000 square feet plus 2,500 square feet for each dwelling unit over two.
- (2) Lot width at the front building line shall be at least 60 feet.
- (3) Lot depth shall be at least 90 feet.

Section 11. Yards. Except as provided in Section 46, in an R zone yards shall be as follows:

- (1) The front yard shall be at least 20 feet.
- (2) A side yard shall be at least five feet, and the total of both side yards shall be at least 13 feet, except that for corner lots a side yard abutting a street shall be at least 15 feet.
- (3) A rear yard shall be at least 10 feet.

Section 12. Height of Buildings. In an R zone no building shall exceed a height of two and a half stories or 35 feet, whichever is lower.

Section 13. Lot Coverage. In an R zone buildings shall not occupy more than 50 per cent of the lot area.

Tourist - Commercial Zone T-C

Section 14. Uses Permitted Outright. In a T-C zone the following uses and their accessory uses are permitted outright:

- (1) A use permitted in an R zone, subject to the requirements for an R zone.
- (2) Gift shop.
- (3) Golf course.
- (4) Motel
- (5) Resort hotel.
- (6) Restaurant, not including a drive-in restaurant.

Section 15. Conditional Uses Permitted. In a T-C zone the following uses and their accessory uses are permitted when authorized in accordance with Sections 31 to 36.

- (1) Automobile service station.
- (2) Restaurant, drive-in.
- (3) Seafood sales, retail.
- (4) Trailer Courts.

Section 16. Limitations on Uses. In a T-C zone the following conditions and limitations shall apply:

- (1) All business, service, storage, or display of merchandise on a lot abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building, except for off-street loading and for drive-in windows, or shall be screened from the residential zone by a sight-obscuring fence or hedge, permanently maintained.
- (2) The dedication of additional street width may be required when an officially adopted street plan or the nature of the proposed development indicates the need for additional width.
- (3) The use shall not be objectionable to residents of surrounding residential zones because of odor, dust, smoke, fumes, noise, glare, or the effects of vehicular traffic.

Section 17. Signs. In a T-C zone a sign visible from a residential zone shall not be permitted within 100 feet of the residential zone unless it meets the following requirements:

- (1) Signs shall be limited to those identifying a business on the premises,
- (2) A sign shall be set back at least 10 feet from a lot in a residential zone.
- (3) Moving or intermittent flashing signs are prohibited.
- (4) The total area of all signs shall not exceed one square foot for each lineal foot of lot frontage on the street.
- (5) No sign shall project above the building containing the business which the sign identifies.

Section 18. Yards. Except as provided in Section L6, in a T-C zone minimum yard size shall be as follows:

- (1) The front yard shall be at least 20 feet.
- (2) A side yard abutting a residential zone shall be at least 15 feet plus one foot for each two feet by which the height of the building exceeds 28 feet.
- (3) The rear yard shall meet the same requirements as a side yard.

Section 19. Height of Buildings. In a T-C zone no building shall exceed a height of three and a half stories or 45 feet, whichever is lower.

Section 20. Lot Coverage. In a T-C zone buildings shall not occupy more than 50 per cent of the lot area.

General Commercial Zone G-C

Section 21. Uses Permitted Outright. In a G-C zone the following uses and their accessory uses are permitted:

- (1) A commercial use, including business, professional or governmental office.
- (2) Manufacturing, processing, repairing, or storage of products clearly incidental to a commercial use and not occupying more than 50 per cent of the floor area of the building.
- (3) A club, lodge hall, or church.
- (4) Mortuary.

Section 21.1 Conditional Uses Permitted.

- (1) Governmental structure or use other than office.
- (2) Bakery or milk processing and manufacturing.
- (3) Nursing home.

Section 22. Limitations on Use. In a G-C zone the following limitations on use shall apply:

- (1) All business, service, processing, storage, or display of merchandise on a lot abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building or shall be screened from the residential zone by a sight-obscuring fence or hedge, permanently maintained.
- (2) Openings or access to structures on side adjacent to or across the street from a residential zone shall be prohibited if they result in glare or excessive noise or otherwise adversely affect residential properties.
- (3) Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in any parts of the lot permanently maintained as landscaped areas.

Section 23. Yards. In a G-C zone minimum yard requirements are as follows:

- (1) On the side of a lot abutting a residential zone, a yard shall be at least 15 feet plus one foot for each two feet by which the height of the building exceeds 28 feet.
- (2) On the rear of a lot abutting a residential zone the rear yard shall meet the same requirements as the side yard, unless an alley or street divides the zones.

Section 24. Building Height. In a G-C zone no building shall exceed a height of three and a half stories or 45 feet, whichever is lower.

Section 25. Lot Coverage. In a G-C zone building shall not occupy more than 75 per cent of the lot area.

Industrial Zone M

Section 26. Uses Permitted. In an M zone the following uses and their accessory uses are permitted:

- (1) Manufacturing, repairing, compounding, fabricating, processing, packing, or storage.
- (2) Public utility station or substation
- (3) Sewage disposal plant, sewage or water pumping stations.

Section 26.1 Conditional Uses Permitted.

- (1) Governmental structures or uses.
- (2) Auto wrecking or junk yards.
- (3) Sanitary disposal of trash, garbage or other waste materials by an approved sanitary land fill or incinerator.

Section 27. Limitations on Use. In an M zone the following conditions and limitations shall apply:

- (1) A use which creates a nuisance because of noise, smoke, odor, dust or gas is prohibited.
- (2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (3) Points of access from a public street, to properties in an M zone shall be so located as to minimize traffic congestion and avoid directing traffic onto residential streets.
- (4) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise, or

otherwise adversely affect residential uses.

Section 28. Signs. In an M zone identification and advertising signs accessory to an allowed use are permitted, except that no sign shall be located within 100 feet of a lot in a residential zone, a public park, or a school unless it meets the requirements for a business sign in a G-C zone.

Section 29. Yards. In an M zone on the side or rear of a lot abutting a residential zone a yard shall, be at least 20 feet.

Section 30. Height of Buildings. In an M zone no structure within 150 feet of a residential zone shall exceed a height of 45 feet.

Conditional Uses

Section 31. Authorization to Grant or Deny Conditional Uses. Uses designated in this ordinance as conditional uses may be permitted, enlarged, or otherwise altered. upon authorization by the planning commission in accordance with the standards and procedures set forth in Sections 31 through 36. Conditional uses are those which may be appropriate, desirable, convenient, or necessary in the district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort, and convenience unless appropriate conditions are imposed. In permitting a conditional use or the modification of an existing conditional use, the city may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the city considers necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaced required, limiting the number, size and location of signs, and requiring diking, fencing, screening, or landscaping to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this ordinance and which is classified in this ordinance as a conditional use, any change in use or in lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

Section 32. Application for a Conditional Use. A property owner or his authorized agent may initiate a request for a conditional use or the modification of an existing conditional use by filing an application with the superintendent of utilities, using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and names and addresses of property owners within 250 feet. The planning commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

Section 33. Public Hearing on a Conditional Use. Before the planning commission may act on a request for a conditional use, it shall hold a public hearing. The hearing shall be held within 40 days after the application for the conditional use is filed. The city shall give notice of the hearing in the following manner:

- (1) Notice of the hearing shall be published in a newspaper of general circulation in the city 10 days prior to the date of the hearing.
- (2) Not less than 10 days prior to the date of the hearing, notices shall be mailed to all property owners within the area enclosed by lines parallel to and 250 feet from the exterior boundaries of the property involved. The names and addresses of property owners shall be those shown in the records of the county assessor.

Failure to send notice to a person specified in this section or failure of a person to receive the notice shall, not invalidate the proceedings in connection with the application for a conditional use.

Section 34. Recess of the Hearing by the Planning Commission. The planning commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose the commission shall announce the time and date when the hearing will be resumed.

Section 35. Notification of Action. within five days after a decision has been rendered, the city shall provide the applicant with written notice of the city's action on the request for a conditional use.

Section 36. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

- (1) Yards. In an R zone or a T-C zone each required yard shall have a width equal to at least two-thirds the height of the principal structure, In any zone additional yard requirements may be imposed.
- (2) Height exception. A church or governmental building may be built to exceed the height limitation of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed one and a half times the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.
- (3) Limitation on access to property. The planning commission may limit vehicle access from a conditional use to a street.
- (4) Signs. In the case of a conditional use the planning commission may permit the sign limitations of a zone to be exceeded to allow one indirectly illuminated sign or non-illuminated sign, not more than six square feet in area, on each side of a structure abutting a street. In addition, a church. may have a bulletin board not exceeding 10 square feet in area. A sign shall pertain to the conditional use and may be permitted in required yards.
- (5) Church. A church may be authorized as a conditional use after consideration of the following factors: sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses with additional lot area required); location of the site relative to the service area of the church; probable growth and growth needs; site location relative to land uses in the vicinity; and adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets. A church or church-related building shall be at least 30 feet from a side or rear lot line.
- (6) Public utility or communications facility such as a substation, pumping station, radio or television studio or transmitter, or a utility transmission line on an easement or right of way 20 feet or more wide. In considering an application for a public utility facility the planning commission shall determine that the site, easement, or right of way is located so as to best serve the immediate area, and in the case of a right of way or easement, will not result in uneconomic parceling of land. As far as possible, transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designed, and installed as to minimize their effect on scenic values.
- (7) Trailer park. A trailer park may be permitted as a conditional use provided, it meets the requirements of Chapter 446, Oregon Revised Statutes, and the Rules

and Regulations Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trailer Parks adopted by the Oregon State Board of Health. In addition, the following minimum standards shall apply:

- (a) **Parking space requirement.** A parking space shall be provided for each trailer site on the site. In addition guest parking spaces shall also be provided in every trailer park within 200 feet of the trailer sites served and at a ratio of one parking space for each two trailer sites. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and properly drained.
- (b) **Fencing and landscaping.** A sight-obscuring fence or hedge not less than six feet high shall enclose the trailer park except at points of ingress and egress. A built-up fence, as distinguished from an evergreen hedge, shall be so located as to conform to front and side yard requirements of the zone and suitable landscaping shall be provided in the required yards.
- (c) **Area.** The minimum area for a trailer park shall be 40,000 square feet. The average area of trailer sites within a trailer park shall be not less than 2,000 square feet, exclusive of roadways, recreation areas, washrooms, and other accessory facilities. No trailer site shall be less than 1,600 square feet in area.

Off-Street Parking and Loading

Section 37. Application. In all zones off-street parking and loading space shall be provided as set forth in Sections 39 through 40.

Section 38. Off-Street Parking. At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces shall be provided as set forth in this section unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated, if it would result in less space than is required by this ordinance. When square feet are specified, the area measured shall be the gross floor area of the building but shall exclude any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

USE	STANDARD
Residential uses (a) One-, two- and three-family dwelling (b) Multi-family dwelling containing four or more dwelling units (c) Apartment house, rooming house or boarding house	(a) One space per dwelling unit. (b) Space equal to 1.5 times the number of dwelling units (c) Spaces for 80 percent of the guest accommodations plus one additional space for the owner or manager
Commercial residential uses (a) Hotel	(a) One space per two guest rooms plus one additional space for two employees

<p>(b) Motel</p> <p>(c) Club or lodge</p>	<p>(b) One space per guest room or suite plus one additional space for the owner or manager</p> <p>(c) Space to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.</p>
<p>Institutions</p> <p>(a) Convalescent hospital, nursing home, sanitarium, rest home or home for the aged</p> <p>(b) Hospital</p>	<p>(a) One space per two beds for patients or residents</p> <p>(b) Spaces equal to 1.5 times the number of beds</p>
<p>Places of Public Assembly</p> <p>(a) Church</p> <p>(b) Library or Reading Room</p> <p>(c) Preschool nursery or kindergarten (primary school)</p> <p>(d) Elementary or Junior High School</p> <p>(e) High School</p> <p>(f) Other auditorium or meeting room</p>	<p>(a) One space per four seats or eight feet of bench length in the main auditorium</p> <p>(b) One space per 400 square feet of floor area plus one space per two employees</p> <p>(c) Two spaces per teacher</p> <p>(d) One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.</p> <p>(e) One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.</p> <p>(f) One space per four seats or eight feet of bench length. If no fixed seats or benches, one space per 60 square feet of floor area.</p>
<p>Commercial amusements</p> <p>(a) Stadium, arena or indoor theater</p> <p>(b) Bowling establishment without restaurant</p> <p>(c) Bowling establishment with restaurant</p> <p>(d) Dance hall or skating rink</p>	<p>(a) One space per four seats or eight feet of bench length</p> <p>(b) Eight spaces per alley plus one space per two employees</p> <p>(c) Ten spaces per alley plus one space per two employees</p> <p>(d) One space per 100 square feet of floor areas plus one space per two employees</p>
<p>Commercial</p> <p>(a) Retail store except as provided in (b) of this subsection.</p> <p>(b) Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture</p> <p>(c) Bank or office (except medical and dental)</p>	<p>(a) One space per 400 square feet of floor area</p> <p>(b) One space per 600 square feet of floor area</p> <p>(c) One space per 600 square feet of floor area plus one space per two employees</p> <p>(d) One space per 300 square feet of floor area</p>

(d) Medical and dental clinic	area plus one space per two employees (e) One space per 200 square feet of floor area (f) One space per four seats or eight feet of bench length in chapels
(e) Eating or drinking establishment	
(f) Mortuaries	
Industrial	(a) One space per employee (b) One space per employee plus one space per 700 square feet of patron serving area.
(a) Storage warehouse, manufacturing establishment, air, rail or trucking freight terminal (b) Wholesale establishment	

Section 39. Off-Street Loading.

- (1) Passengers. A driveway designed for a continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 pupils.
- (2) Merchandise, materials, or supplies. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Loading space that has been provided for an existing use shall not be eliminated if its elimination would result in less space than is required to handle adequately the needs of the use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs.

Section 40. General Provisions--Off-Street Parking and Loading.

- (1) The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented which show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- (2) Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission based upon the requirements for comparable uses listed.
- (3) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- (4) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city in the form of deeds, leases, or contracts to establish the joint use.
- (5) Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a

- straight line from the building.
- (6) Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
 - (7) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard.
 - (8) A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being met, including the following:
 - (a) Delineation of individual parking and loading spaces.
 - (b) Circulation area necessary to serve spaces.
 - (c) Access to streets and property to be served.
 - (d) Curb cuts.
 - (e) Dimensions, continuity, and substance of screening.
 - (f) Grading, drainage, surfacing, and subgrading details.
 - (g) Delineation of obstacles to parking and circulation in finished parking area.
 - (h) Specifications as to signs and bumper guards.
 - (i) Other pertinent details.
 - (9) Design requirements for parking lots.
 - (a) Areas used for parking vehicles and for maneuvering shall have durable and dustless surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.
 - (b) Except for parking in connection with dwellings, parking and loading areas adjacent to or within residential zones or adjacent to dwellings shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five nor more than six feet in height except where vision clearance is required.
 - (c) Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches high and which is set back a minimum of four and one-half feet from the property line.
 - (d) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
 - (e) Access aisles shall be of sufficient width to permit easy turning and maneuvering.
 - (f) Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.
 - (g) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service anticipated traffic. In no case shall access points of service drives to a street be less than 100 feet apart measured center to center. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on street frontage not occupied by service drives.

- (h) Driveways shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.
 - (i) In residential districts off-street parking or loading areas shall not be located in a required front yard.
- (10) Completion time for parking lots. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector. If the parking space is not required for immediate use, an extension of time may be granted by the building inspector providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the building inspector. If the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements constructed under the direction of the city.

Supplementary Provisions

Section 41. Zone Boundaries. Unless otherwise specified, zone boundaries are section or subdivision lines, lot lines, or the center line of streets, alleys, railroad, rights of way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed.

Section 42. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

- (1) Sight-obscuring fences, when located within required front and side yards abutting a street, shall not exceed two and one-half feet in height measured from the curb elevation. When no curb elevation has been established, the height shall be measured from the established center line grade of the street abutting the yard concerned.
- (2) No sales shall be made from a greenhouse or hothouse maintained as accessory to a dwelling.
- (3) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.
- (4) An unoccupied trailer house may be stored in a residential zone only within a private garage or in the rear half of a lot.
- (5) 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.

Section 43. Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features shall not project more than 18 inches into a required yard.

Section 44. Maintenance of Minimum Ordinance Requirements. No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced below the minimums required by this ordinance, nor shall any lot area, yard, or other open space of offstreet parking or loading area which is required by this ordinance for one use be used as the lot area, yard, or other open space or off-street parking or loading area required for any other use, except as provided in Section 40, subsection 14.

Section 45. General Exception to Lot Size Requirements. If a lot, or the aggregate of contiguous lots held in single ownership and recorded in the office of the clerk of Coos County at the time of the passage of this ordinance, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, and providing if there is an area deficiency, a residential use shall be limited to the number of dwelling units consistent with the density requirement of the zone.

Section 46. General Exception to Yard Requirements.

- (1) Subject to the requirements of subsection (2) of this section, the following exceptions to the front yard requirement for a dwelling are authorized for a lot in any zone:
 - (a) If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
 - (b) If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
- (2) To afford better light, air, and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the location of structures compatible with the need for the eventual widening of streets, a yard shall be provided abutting the streets and portions of streets named in this subsection which shall be greater than the required yard dimension specified in the zone.

The minimum distance from the street center line to the front of any structure shall be as listed below, plus the required yards specified.

<u>Street Name</u>	<u>Setback from Center Line</u>
(identify	street)
___ feet	

Section 47. General Exception to Building Height Limitations. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

Section 48. Access. All lots shall abut a street other than an alley for a width of at least 25 feet.

Section 49. Vision Clearance Areas. No vision clearance area shall contain plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height measured from the top of the curb or, where no curb exists, from the established street center line grade. Vision clearance areas shall be established at intersections as follows:

- (1) In a residential zone the distance determining the size of a vision clearance area shall be 30 feet, except that when the angle of intersection between streets is less than 30 degrees the distance shall be 40 feet.
- (2) In all other zones except a C-G zone the distance determining the size of a vision clearance area shall be 15 feet, except that when the angle of intersection between streets is less than 30 degrees the distance shall be 25 feet.

Nonconforming Uses and Structures

Section 50. Continuation of Nonconforming Use or Structure. Subject to the provisions of Sections 51 through 56, a nonconforming structure or use may be continued and maintained in reasonable repair but shall 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 this ordinance is adopted shall not be considered an extension of a nonconforming use.

Section 51. Nonconforming Structure. A structure conforming with respect to use but nonconforming with respect to height, setback or coverage may be altered or extended if the alteration or extension does not deviate further from the standards of this ordinance.

- (1) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.
- (2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

Section 52. Discontinuance of a Nonconforming Use.

- (1) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.
- (2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

Section 53. Termination of Certain Nonconforming Uses.

- (1) A nonconforming use not involving a structure or one involving a structure having an assessed value of less than \$200.00 shall be discontinued within two years from the date this ordinance is adopted.
- (2) A use which is nonconforming with respect to provision for screening shall provide screening within a period of five years from the date this ordinance is adopted.

Section 54. Change of a Nonconforming Use. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance and shall not subsequently be replaced by a nonconforming use.

Section 55. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 per cent of the fair market value as indicated by the records of the county assessor, a future structure or use shall conform to this ordinance.

Section 56. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued and construction work has commenced prior to the adoption of this ordinance, except that if the building is nonconforming or is intended for a nonconforming use

it shall be completed. and in use within two years from the time the permit was issued.

Variances

Section 57. Authorization to Grant or Deny Variances. The planning commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes 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 interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

Section 58. Conditions for Granting a Variance. No variance shall be granted. unless it can be shown that all of the following conditions exist:

- (1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- (3) The authorization of the variance will not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city development plans or policies.
- (4) The variance requested. is the minimum variance which will alleviate the hardship.

Section 59. Variance Procedure. The procedures to be followed in applying for and acting on a variance shall be substantially the same as those provided in Sections 31 through 35 of this ordinance for the case of a conditional use.

Amendments to the Zoning Ordinance

Section 60. Authorization to Initiate Amendments. An amendment to the text or the zoning map of this ordinance may be initiated. by the city council, by the planning commission, or by application of a property owner or his authorized agent. The planning commission shall, within 40 days after a hearing, recommend to the city council approval, disapproval, or modification of the proposed amendment.

Section 61. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the city recorder 30 days prior to the planning commission meeting at which the proposal is to be considered. The application shall be accompanied. by a fee of \$40.00.

Section 62. Public Hearing on an Amendment. Before taking final action on a proposed amendment, the planning commission shall hold a public hearing.

- (1) Notice of hearing. Notice of time and place of the public hearing before the

planning commission and of the purpose of the proposed amendment shall be given by the city recorder in the following manner:

- (a) If an amendment to the text of this ordinance or a change in the zoning map of an area of 10 acres or more is proposed, the notice shall be by three successive publications in a newspaper of general circulation in the city, the last publication to be not more than 10 days before the hearing.
 - (b) If an amendment to the, zoning map of an area of less than 10 acres is proposed, the notice shall be by one publication in a newspaper of general circulation in the city not less than 10 days nor more than 30 days prior to the date of hearing and by mailing written notice not less than 10 days prior to the date of hearing to owners of property within the area enclosed by lines parallel to and 250 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the records of the county assessor. Where all property so located. is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section.
 - (c) Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.
- (2) Recess of hearing. The planning commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose the commission shall announce the time and date when the hearing will be resumed.

Section 63. Records of Amendments. The city recorder shall maintain records of amendments to the text and map of this ordinance in a form convenient for use of the public.

Section 64. Enforcement. The superintendent of utilities shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling of the superintendent of utilities shall be made to the planning commission.

Section 65. Appeal to City Council. An action or ruling of the planning commission authorized. by this ordinance may be appealed to the city council within 15 days after the commission has rendered its decision by filing written notice with the city recorder. If no appeal is taken within the 15-day period, the decision of the commission shall be final. If an appeal is filed, the city council shall receive a report and recommendation from the planning commission and, shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city not less than five days nor more than 10 days prior to the date of the hearing.

Section 66. Form of Petitions, Applications, and Appeals. All petitions, applications, and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed. by the planning commission. All applications for building permits shall be accompanied. by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and. intended use of each building, structure or part thereof, the number of families to be accommodated, if any, and such other information as is needed. to determine conformance with this ordinance.

Section 67. Time Limit on a Permit for a Conditional Use or a Variance. Authorization of a

conditional use or variance shall be void after six months unless a building permit has been issued and substantial construction has taken place. However, the planning commission may extend authorization for an additional six months on request.

Section 68. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulations, the provisions which are more restrictive shall govern.

Section 69. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 70. Penalty. A person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of not more than \$500, or both. A person violating a provision of this ordinance shall be considered guilty of a separate offense for each day during which the violation continues.

Passed by the Common Council this 7th day of December, 1966.

Approved by the Mayor this 7th day of December, 1966.

Claude E. Waldrop

Mayor, City of Bandon

Attest:

Joe E. Burgher

Recorder City of Bandon

[Amended by Ordinance #881, April 14, 1969]
[Amended by Ordinance #884, May 6, 1970]
[Amended by Ordinance #887, August 19, 1970]
[Amended by Ordinance #901, February 23, 1972]
[Amended by Ordinance #905, April 20, 1972]
[Amended by Ordinance #909, November 22, 1972]
[Amended by Ordinance #916, September 5, 1973]
[Amended by Ordinance #917, October 17, 1973]
[Amended by Ordinance #918, December 5, 1973]
[Amended by Ordinance #924, July 10, 1974]
[Amended by Ordinance #936, May 28, 1975]
[Repealed by Ordinance #972, December 1, 1976]
[Repealed by Ordinance #988, December 21, 1977]

Typed from an original document: Marie Ducharme, 2002.