



Oregon

Theodore R. Kubangoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/06/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Bandon Plan Amendment
DLCD File Number 003-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, March 24, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Charlice Davis, City of Bandon
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> N/

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAR 04 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Bandon** Local file number: **BOR-214**

Date of Adoption: ~~6/11/2008~~ signed 3/3/2008 Date Mailed: **3/4/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date:

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
An ordinance amending Bandon Municipal Code Chapter 16 Land Partitions, Chapter 16.42 Land Partitions, 16.42 Definitions and Chapter 17 Zoning.

Does the Adoption differ from proposal? **No, no explanation is necessary**

Plan Map Changed from: **N/C** to: **N/C**

Zone Map Changed from: **N/C** to: **N/C**

Location: **within the City limits.** Acres Involved: **0**

Specify Density: Previous: **N/C** New: **N/C**

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
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- 18
- 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Bandon

Local Contact: **Charlice Davis**

Phone: (541) 347-2437 Extension: 226

Address: PO Box 67

Fax Number: 541-347-1415

City: Bandon OR

Zip: 97411-

E-mail Address: cdavis06@ci.bandon.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

- Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
- Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
- Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
- In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
- Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE NO. 1567

AN ORDINANCE AMENDING BANDON MUNICIPAL CODE CHAPTER 16.32 LAND PARTITIONS, CHAPTER 16.42, DEFINITIONS AND CHAPTER 17, ZONING

WHEREAS, the Planning Commission did hold a public hearing on this matter in accordance with legal notice requirements; and

Whereas, the Planning Commission determined that the amendments herein will clarify elements of the Bandon Municipal Code which will benefit the community during future development; and

WHEREAS, the Mayor and the City Council have determined it is in the best interest of the City of Bandon, that the Bandon Municipal Code, Chapters 16.32 - Partitions, 16.42 - Definitions, and Chapter 17 - Zoning, be amended.

NOW THEREFORE, The City of Bandon ordains that the Bandon Municipal Code, Chapter 16.32 - Partitions, 16.42 - Definitions, and Chapter 17 - Zoning, be amended.

Title 16 LAND DIVISION REGULATIONS

16.32 PARTITIONS

The following language shall be deleted:

16.32.140 Justification for commercial division.

For commercial land to be eligible for a land partition, the applicant must submit a legitimate development proposal to substantiate the need for the partition and the ability of the resulting parcels to provide adequate off-street parking and loading. If the city grants the partition and the development is not effectuated to an agreed upon point of construction within one hundred and eighty (180) days, the land reverts to the original configuration.

16.42 DEFINITIONS

The following definition shall be added:

Face: The facade of a structure facing a street.

The following definition shall be amended:

Vision clearance area means a triangular area on a lot or right-of-way at the intersection of two streets, two sides of which are lines measured from the apex of the pavement corner radius for a distance specified in these regulations. The third side of the triangle is a line joining the ends of the other two sides. The vision clearance area contains no plantings, walls, structures or temporary or permanent obstructions exceeding the size or height specified in this title measured from the top to the curb or, where no curb exists, from the finished grade at the nearest property line.

Shall be amended to:

Vision clearance area: an area at a driveway, intersection, right-of-way, or public access in which the height of plantings and structures are limited to allow the maximum visibility upon approach. [Ref. 17.104.090 Vision Clearance]

TITLE 17 - ZONING

17.12.040 R-1 (Residential 1)

17.12.040 Limitations on uses.

Shall be amended to:

- A. All homes in the R-1 zone, including but not limited to conventionally constructed homes and manufactured homes, shall utilize at least six of the following design features **(at least 3 of these features shall be integrated into a face of the dwelling)**:

1. Garage or carport 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 six 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;
14. Bay windows;
15. Window shutters;
16. **Clerestory windows;**
17. Horizontal lap siding on **100% of the exterior, cedar shake of shingle siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.**

17.12.070 Yards.

Shall be amended to:

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

- 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), garages** 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.

17.12.060 Lot Size

The following language shall be deleted:

B. Lot width at the front building line shall be a minimum of sixty (60) feet.

The following language shall be added:

17.12.100 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 (70) feet may be allowed as a Conditional Use.**

17.16 R-2 (Residential 2) Zone

Shall be amended to:

- A. All home in the R-2 zone, including but not limited to conventionally constructed homes and manufactured homes, shall utilize at least six of the following design features (at least 3 of these features shall be integrated into a face of the dwelling):**
 - 1. Garage or carport 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 six 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.**

17.16.060 Lot Size

The following language shall be deleted:

B. Lot width at the front building line shall be a minimum of sixty (60) feet.

17.16.070 Yards.

Shall be amended to:

17.16.070 Yards.

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

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), garages** 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 (16) feet in height.

The following language shall be added:

17.16.100 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.

17.20 CD-1 (CONTROLLED DEVELOPMENT 1) ZONE

17.20.040 Limitations on uses

Shall be amended to:

- F. All home 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 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. 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 six 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.**

17.20.060 Lot Size

The following language shall be deleted:

- B. Lot width at the front building line shall be a minimum of sixty (60) feet.**

17.20.070 Yards.

Shall be amended to:

17.20.070 Yards.

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

- 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), garages** 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.

17.20.090 Height of structures.

Shall be amended to:

17.20.090 Height of structures.

In order to maximize the ocean view potential of lots in the CD-1 zone;

- A. West of Beach Loop Drive **or north of Seventh Street**, the height of any structure including any extension or appendage is limited to twenty-four (24) feet.
- B. East of Beach Loop Drive, the height of any structure including any extension or appendage is limited to twenty-eight (28) feet. Additional height may be allowed by the Planning Commission up to thirty-five feet **and only upon finding that the increased height will not adversely impact adjoining property's ocean views to a greater degree than would the permitted height.**

The following language shall be added:

17.20.100 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. On the east side of Beach Loop Drive and south of Seventh Street, 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. Antennas on the west side of Beach Loop and north of Seventh Street shall be subject to the existing height limitations.

17.24 CD-2 (Controlled Development 2) Zone

17.24.040 Limitations on use

Shall be amended to:

- F. 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 required must be integrated on a face of the dwelling**):

1. Garage or carport 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 six 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.**

17.24.060 Lot Size

The following language shall be deleted:

- B. Lot width at the front building line shall be a minimum of sixty (60) feet.

17.24.070 Yards.

Shall be amended to:

17.24.070 Yards.

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

- 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)**, **garages** 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.

The following language shall be added:

17.24.100 Exceptions to building 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 twenty-eight (28) feet in height, may be allowed as a Conditional Use, provided that no commercial communication equipment is located on or near such antennas.**

17.28 CD-3 (CONTROLLED DEVELOPMENT 3) ZONE

17.28.040 Limitations on use.

Shall be amended to:

All homes in the CD-3 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 carport** 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.

17.28.060 Lot Size

The following language shall be deleted:

B. Lot width at the front building line shall be a minimum of sixty (60) feet.

17.28.070 Yards.

Shall be amended to:

17.28.070 Yards.

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

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)**, **garages** 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.

The following language shall be added:

17.28.100 Exceptions to building height limitations.

A. **Chimneys, provided that they do not extend more than five feet above the highest point of the proposed structure.**

17.32 CD-R1 (CONTROLLED DEVELOPMENT RESIDENTIAL 1) ZONE

17.32.040 Limitations on uses.

Shall be amended to:

A. 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 carport 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.**

17.32.060 Lot Size

The following language shall be deleted:

- B. Lot width at the front building line shall be a minimum of sixty (60) feet.

17.32.070 Yards.

Shall be amended to:

17.32.070 Yards.

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

- 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), garages** 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.

17.36 CD-R-2 (CONTROLLED DEVELOPMENT RESIDENTIAL 2) ZONE

17.36.040 Limitations on uses

Shall be amended to:

- F. 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 of the design features required must be integrated on a face of the dwelling):**

1. Garage or carport 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.**

The following language shall be deleted:

17.36.060 Lot size

- B. Lot width at the front building line shall be a minimum of sixty (60) feet.

17.36.070 Yards.

Shall be amended to:

17.36.070 Yards.

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

- 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), garages** 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.

The following language shall be added:

17.36.100 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.

17.44 C-2 (GENERAL COMMERCIAL) ZONE

The following language shall be added:

17.44.050 Signs

- H. One temporary directional sign to indicate availability of fresh fish and/or seafood for sale in the water zone may be allowed along Highway 101, provided that:
1. The sign does not exceed twelve square feet;
 2. The sign has been placed on private property, with the written permission of the property owner;
 3. The sign has been approved by the City Manager, or designate, to assure that it does not constitute a safety, pedestrian, or vehicular hazard.

The following language shall be added:

17.44.110 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.

17.64 W (WATER) ZONE

The following language shall be added:

17.64.130 Signage

- A. Temporary signs and/or banners to indicate availability of fresh fish and/or seafood for sale may be allowed on individual water craft provided that the sign or banner does not exceed twenty-four square feet in size.

17.92.090 STANDARDS GOVERNING CONDITIONAL USES.

17.92.090 Standards governing conditional uses.

- K. Vacation Rental Dwellings. Vacation rental dwellings are a conditional use in the CD-1 and CD-2 and CD-3 zones and are subject to the requirements of this chapter. A dwelling may only be eligible for VRD status provided that less than 30% of the dwellings on property within 250 feet of the subject property are VRD's.

Shall be amended to:

- K. Vacation Rental Dwellings. Vacation rental dwellings are a conditional use in the CD-1 and CD-2 and CD-3 zones and are subject to the requirements of this chapter. A dwelling may only be eligible for VRD status provided that **it is an existing single-family detached dwelling**, and less than 30% of the dwellings on property within 250 feet of the subject property are VRD's.

CHAPTER 17.104 SUPPLEMENTARY PROVISIONS

17.104.025 Fence and wall standards (new).

The following language shall be added:

- G. Gates are prohibited on public or private streets, which serve more than two lots, parcels, or dwellings.

17.104.050 General exception to lot size requirements.

Shall be amended to:

17.104.050 General exception to lot size requirements.

- A. A parcel or lot which does not meet the current lot size requirements of the zone in which the property is located may be developed, provided that all other requirements of the zone are met.
- B. If a property owner desires to proceed with constructing an improvement on all or part of a parcel or contiguous subdivision lots, no portion of the property amounting to less than the whole property, shall be sold, divided or separated without the written permission of the City. This requirement shall be set forth in a Real Property Covenant and Restriction document which shall be filed at the County as a deed restriction.

The following language shall be deleted:

17.104.070 General exception to building height limitations.

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

17.104.090 Vision clearance area.

Shall be amended to:

17.104.090 Vision clearance area.

No vision clearance area shall contain planting, 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, grade at the property line.

- A. Residential 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 twenty (20) feet from their intersection. This measurement will form a triangle which will be used to calculate the vision clearance area.
- B. Commercial 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 twenty (30) feet from their

intersection. This measurement will form a triangle which will be used to calculate the vision clearance area.

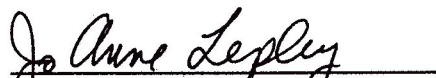
- C. Street intersections shall have a minimum vision clearance area formed by the intersecting streets measuring a line along each pavement edge and a straight line joining said lines through points thirty (30) feet from their intersection. This measurement will form a triangle which will be used to calculate the vision clearance area.
- D. Trees shall be allowed within the vision clearance area, provided no portion of a tree except the main trunk shall be located between a height of two and one-half and a height of eight feet.

PASSED to a second reading this 4th day of February, 2008, on a roll call vote, 6 : 0.

ADOPTED by the City Council this 3rd day of March, on a roll call vote, 5 : 1 (Powell)


Mary Schamehorn, Mayor

Attest:


Jo Anne Lepley, City Recorder

US POSTAGE

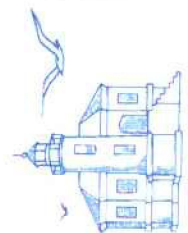
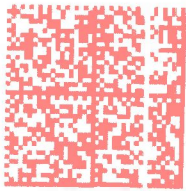
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03/03/2009

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CITY OF BANDON
PO BOX 67
BANDON OR 97411

**ATTENTION PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL ST NE, SUITE 150
SALEM OR 97301-2540**