

Canyonville, OR Municipal Code

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Chapter 18.04 GENERAL PROVISIONS

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18.04.010 Title and adoption.

This title shall be known as the “zoning ordinance” of the city. The text and the official city zoning map referred to in this title are adopted and made a part of this title. The zoning text and zoning map shall be signed by the mayor and attested by the recorder and shall refer by number to the ordinance codified in this title. (Ord. 343 § 1.0, 1980)

18.04.020 Purpose.

This title, along with other documents is intended to augment and implement the Canyonville comprehensive plan. All of various planning documents, including the comprehensive plan are subject to amendment as conditions change, and as such, all the documents which control the character and development of the city must be used together and coordinated to fulfill their combined purpose, which is to create and maintain a proper environment for human interaction. To this end, this title is composed of the text and the map designated as the official zoning map. (Ord 343 § 2.0, 1980)

18.04.030 Interpretation.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions or covenants conflict, the most restrictive or that imposing the higher standards shall govern. (Ord. 434 § 1 (part), 1988; Ord. 343 § 17.0, 1980)

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[18.08.010 Definition of terms.](#)

For the purpose of this title, certain terms and words are defined as follows: words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural; and words in the plural shall also include the singular; the word “building” includes structure, and “structure” includes building; and the word “shall” is mandatory and not permissive. The words “used” or “occupied” include within their meaning “intended,” “arranged” or “designed” to be used or occupied. The word “person” includes a corporation, partnership or other entity. (Ord. 343 § 3.0 (1), 1980)

[18.08.020 Accessory building or use.](#)

“Accessory building or use” means the use of land or a subordinate building or of a portion of a

principal building, such use or building being secondary to or incidental to the principal use or structure. (Ord. 343 § 3.0 (2), 1980)

18.08.030 Administrator.

“Administrator” means that official designated by this title who shall enforce and administer the provisions in it or his designee. (Ord. 343 § 3.0 (3), 1980)

18.08.040 Alley.

“Alley” means a public or private right-of-way which provides a secondary means of access to a property. (Ord. 343 § 3.0 (4), 1980)

18.08.050 Apartment.

“Apartment” means a portion of a building which is occupied or which is intended or designed to be occupied as an independent dwelling unit and contains separate housekeeping facilities for living, sleeping, cooking and eating. As used in this title “apartment” refers to an accessory use of a portion of an otherwise nonresidential building although “apartment,” as it is commonly used, may also refer to an individual unit within a multifamily dwelling. (Ord. 532 § 1, 1997; Ord. 343 § 3.0 (5), 1980)

18.08.060 Basement.

“Basement” means the lowest floor of any building when the main entrance to the building is on the floor above. When a building has its main entrance on the third actual story, it may be said to have a basement and a sub-basement. (Ord. 343 § 3.0 (6), 1980)

18.08.070 Billboards.

“Billboards” means a sign advertising goods or services not available on the premises on which said sign is located. (Ord. 343 § 3.0 (7), 1980)

18.08.080 Boarding.

“Boarding (lodging or roominghouses)” means a building, or portion thereto, other than a hotel, where lodging and/or meals for five or more persons, but not more than twenty persons, are provided for compensation and without individual cooking facilities. (Ord. 343 § 3.0 (8), 1980)

18.08.090 Building.

“Building” means a structure having a roof but excluding all forms of vehicles even though

immobilized. Where this title requires or where special authority granted pursuant to this title requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding “and enclosed on all sides.” (Ord. 343 § 3.0 (9), 1980)

18.08.100 Building coverage.

“Building coverage” means that percentage of the total lot area of a lot which is covered by the principal and accessory building. (Ord. 343 § 3.0 (11), 1980)

18.08.110 Building height.

“Building height” means the vertical distance from the average elevation of the proposed finished grade at the front of the building to the highest point of the building excluding chimney, antennas, belfries, steeples and other generally noninhabitable vertical appurtenances measuring under six feet in any horizontal dimension. (Ord. 343 § 3.0 (10), 1980)

18.08.120 Building inspector.

“Building inspector” means that official designated, from time to time, by the city council as the official responsible for accepting, reviewing and approving or rejecting plans for building or occupancy, and application for building and occupancy permits, and for interpretation and enforcement of resolutions related thereto. (Ord. 343 § 3.0 (13), 1980)

18.08.130 Building line.

“Building line” means the edge or side of a building nearest a lot line. The line facing the front lot line is the front building line. The line facing the side of the lot is the side building line, etc. (Ord. 343 § 3.0 (12), 1980)

18.08.140 Building, main.

“Building, main” means a structure in which is conducted the main use of the lot on which the structure is located. (Ord. 343 § 3.0 (14), 1980)

18.08.150 Care.

“Care” means the provision of room and board and services that assist the resident in activities of daily living, such as assistance with bathing, dressing, grooming, eating, medication management or recreation. (Ord. 435 § 1 (part), 1988; Ord. 343 § 3.0 (part), 1980)

18.08.160 Church.

“Church” means a building designed or used for public worship by any religious body. (Ord. 343 § 3.0 (19), 1980)

18.08.170 City council.

“City council” means the common council of the city. (Ord. 343 § 3.0 (15), 1980)

18.08.180 Commission.

“Commission” means the city planning commission. (Ord. 343 § 3.0 (16), 1980)

18.08.190 Comprehensive plan.

“Comprehensive plan” means the official Canyonville comprehensive plan. (Ord. 343 § 3.0 (17), 1980)

18.08.200 Conditional use.

“Conditional use” means a permit to allow uses in districts where such uses require additional controls and safeguards not required of otherwise permitted uses. (Ord. 343 § 3.0 (18), 1980)

18.08.210 County.

“County” means Douglas County, Oregon. (Ord. 343 § 3.0 (20), 1980)

18.08.220 Court.

“Court” means an open unoccupied square other than a yard around which a building is erected or situated. A court, one entire side or end of which is bound by a front yard, a rear yard or a side yard, or by the front of the lot, or by a street or public alley, is an outer court. Every court which is not an outer court is an inner court. (Ord. 343 § 3.0 (21), 1980)

18.08.230 Court height.

The court height shall be measured from the floor level of the lowest story in the building in which there are windows from rooms served by the said court, in the highest point of the enclosing walls of the said court. (Ord. 343 § 3.0 (22), 1980)

18.08.235 Day care facility.

“Day care facility” means any institution, establishment, home or other place, including a family day care home, in which six or more children, exclusive of the children of the care provider, are given care and supervision apart from their parent or guardian, who are not of common parentage and are under the age of fifteen years, during any part of a twenty-four hour day, for compensation and licensed by the state of Oregon for day care purposes. Day care facilities may be permitted in all residential districts upon issuance of a conditional use permit, and permitted outright in all other districts. (Ord. 553 § 1 (part), 1999)

18.08.240 Dwelling.

“Dwelling” means a building or portion thereof designed for occupancy by one or more families. (Ord. 343 § 3.0 (23), 1980)

18.08.250 Dwelling, multiple family.

“Dwelling, multiple-family” means a building designed, built, rented, leased, let or hired out, to be occupied, or which is occupied as a residence, by three or more families living independently of each other. (Ord. 343 § 3.0 (26), 1980)

18.08.260 Dwelling, one-family.

“Dwelling, one-family” means a building designed for occupancy by one family and its resident domestic employees. (Ord. 343 § 3.0 (24), 1980)

18.08.270 Dwelling, two-family.

“Dwelling, two-family” means a building designed for occupancy by two families, living separately, including duplex and semi-detached dwellings. (Ord. 343 § 3.0 (25), 1980)

18.08.280 Dwelling unit.

“Dwelling unit” means a building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees. (Ord. 343 § 3.0 (27), 1980)

18.08.290 Family.

“Family” means an individual or two or more persons related by blood or marriage, or a group of not more than five persons not related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit. (Ord. 343 § 3.0 (28), 1980)

18.08.295 Family day care home.

“Family day care home” means any institution, establishment, home or other place in which more than two but not more than five children, exclusive of the children of the care provider, are given care and supervision apart from their parent or guardian, who are not of common parentage and are under the age of fifteen years, for not more than twelve hours per day, for compensation. Family day care homes may be allowed in any residential zone as a home occupation when the requirements of Section 18.76.130 are met. (Ord. 553 § 1 (part), 1999)

18.08.300 Foster home.

“Foster home” means any family home or facility in which twenty-four-hour care is provided for five or fewer persons who are not related to the provider by blood or marriage. (Ord. 435 § 1 (part), 1988: Ord. 343 § 3.0 (part), 1980)

18.08.310 Garage, automotive repair.

“Garage, automotive repair” means any building or premises used for commercial repairs of motor vehicles but not including auto wrecking or storage of wrecked cars. (Ord. 343 § 3.0 (30), 1980)

18.08.320 Garage, private.

“Garage, private” means an accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on. (Ord. 343 § 3.0 (31), 1980)

18.08.330 Gasoline service station.

“Gasoline service station” means a building or premises where gasoline, oil, batteries, tires and automotive accessories may be sold and routine automotive servicing and parts replacement are performed. However, tire recapping, major repair or body work, painting, welding, auto wrecking and motor overhaul are specifically excluded. (Ord. 343 § 3.0 (32), 1980)

18.08.340 Grade.

“Grade” means the ground level where the improvement in question is located. (Ord. 417 § 6, 1987: Ord. 343 § 3.0 (part), 1980)

18.08.350 Gross floor area.

“Gross floor area” means the total area of all floors of a building measured from exterior walls. (Ord. 343 § 3.0 (33), 1980)

18.08.360 Home occupation.

“Home occupation” means any lawful profession, craft or service activity carried on within a dwelling in compliance with Chapter 18.76, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business, in the ordinary meaning of the term, and provided there is no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. (Ord. 392 § 11, 1985; Ord. 343 § 3.0 (34), 1980)

18.08.370 Hotel.

“Hotel” means a building containing six or more rooms designed for and rented out for sleeping purposes for transients. (Ord. 343 § 3.0 (35), 1980)

18.08.380 Junkyard.

“Junkyard” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and yards for use of salvaging house wrecking and structural steel material and equipment. (Ord. 343 § 3.0 (36), 1980)

18.08.390 Kennel.

“Kennel” means any lot on which four or more dogs or cats six months or older breed or board. (Ord. 343 § 3.0 (37), 1980)

18.08.400 Loading, off-street.

“Loading, off-street” means an off-street space or berth on the same lot with a main building for the parking of a vehicle while loading or unloading merchandise and which has direct access from a public street or alley. (Ord. 343 § 3.0 (38), 1980)

18.08.410 Lot.

“Lot” means a parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision. (Ord. 343 § 3.0 (39), 1980)

18.08.420 Lot, corner.

“Lot, corner” means a lot situated at the intersection of two streets or, if on a curved street, where the angle of intersection of curve tangents is less than one hundred thirty-five degrees. (Ord. 343 § 3.0

(40), 1980)

18.08.430 Lot depth.

“Lot depth” means the perpendicular distance measured from the midpoint of the front lot line to the opposite (usually the rear) lot line. In the case of irregular or triangular lots, the lot depth will be established by the lot depth line which is parallel to the front lot line and located by the intersection of the perpendicular from the front lot line midpoint and whatever lot line is bounding the rear of the lot. (Ord. 343 § 3.0 (41), 1980)

18.08.440 Lot, frontage.

The front of a lot shall be the side which faces the street. If a lot faces more than one street, it shall conform to established setbacks or a common frontage shall be established. (Ord. 343 § 3.0 (42), 1980)

18.08.450 Lot, interior.

“Lot, interior” means any lot other than a corner lot. (Ord. 343 § 3.0 (43), 1980)

18.08.460 Lot line, front.

“Lot line, front,” means, for an interior lot, a line separating the lot from the street; for a corner lot, see setbacks. (Ord. 343 § 3.0 (45), 1980)

18.08.470 Lot line, rear.

“Lot line, rear” means a line separating one lot from another on the opposite side of the lot from the front lot line; for an irregular or triangular-shaped lot, a straight line ten feet in length that is parallel to and at the maximum distance from the front lot line. (Ord. 343 § 3.0 (46), 1980)

18.08.480 Lot lines.

“Lot lines” means the lines bounding a lot as defined in this chapter. (Ord. 343 § 3.0 (44), 1980)

18.08.490 Lot line, side.

“Lot line, side” means a line separating one lot from the abutting lot or lots fronting on the same street; for a corner lot, see setbacks. (Ord. 343 § 3.0 (47), 1980)

18.08.500 Lot width.

“Lot width” means the mean width of the lot measured at right angles to its depth. (Ord. 343 § 3.0 (48), 1980)

18.08.510 Marquee.

“Marquee” means a permanent canopy projecting over an entrance. (Ord. 343 § 3.0 (49), 1980)

18.08.520 Mayor.

“Mayor” means the mayor of Canyonville. (Ord. 343 § 3.0 (50), 1980)

18.08.530 Manufactured home.

“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, that is being used for residential purposes and that was constructed in accordance with local, state, and federal manufactured housing and safety standards regulations in effect at the time of construction. (Ord. 477 § 1, 1993; Ord. 430 § 1, 1988; Ord. 367 § 4 (part), 1982; Ord. 343 § 3.0 (51), 1980)

18.08.540 Manufactured home park.

“Manufactured home park” means any place where four or more manufactured homes are located within five hundred feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. (Ord. 477 § 4 (part), 1993; Ord. 343 § 3.0 (73), 1980)

18.08.550 Motel.

“Motel” means an individual building or group of attached or detached buildings containing guestrooms together with conveniently located parking space on the same lot which are designed, used or intended to be used for the accommodation of automobile transients. (Ord. 343 § 3.0 (52), 1980)

18.08.560 Nonconforming use.

“Nonconforming use” means a structure on or use of land legally established prior to enactment of and prohibited by this title or any amendment thereto. (Ord. 343 § 3.0 (53), 1980)

18.08.570 Nursery school.

“Nursery school” means a school, home or institution designed or used to provide daytime care and instruction for four or more young children not resident therein. (Ord. 343 § 3.0 (54), 1980)

18.08.580 Nursing home.

“Nursing home” means a building or part of a building where sick or infirm persons are cared for at prescribed rates. (Ord. 343 § 3.0 (55), 1980)

18.08.590 Parking area, public.

“Parking area, public” means a structure or an open area, other than a public street or alley, designed or used for the temporary parking of vehicles and available for public use, whether free, for compensation or as an accommodation to customers or clients. (Ord. 343 § 3.0 (56), 1980)

18.08.600 Parking space, off-street.

“Parking space, off-street” means temporary parking for a vehicle, located off any public right-of-way which is adequate in size for parking of any vehicle with room to get out on either side of the vehicle with adequate maneuvering space, and with access to a public right-of-way. (Ord. 343 § 3.0 (57), 1980)

18.08.610 Personal service.

“Personal service” means a business which is neither the practice of a profession nor dealing primarily with the sale of products as stock in trade on the premises. (Ord. 343 § 3.0 (58), 1980)

18.08.620 Planned unit development.

“Planned unit development” is one which stays within the density requirements of area in which it is located for the overall project while allowing a degree of latitude in describing individual lot sizes and also has a percentage of its gross area devoted to recreational development or open spaces uses. (Ord. 343 § 3.0 (59), 1980)

18.08.630 Planning commission.

“Planning commission” means the Canyonville planning commission. (Ord. 343 § 3.0 (60), 1980)

18.08.640 Planning documents.

“Planning documents” means those ordinances and laws passed by the federal government, state government, county government or the government of the city which has effect on or power over the city and which contain provisions concerning the growth, development, physical protection and other planning interests for the city either implicitly or explicitly. (Ord. 343 § 3.0 (61), 1980)

18.08.650 Profession.

“Profession” means an occupation or calling requiring the practice of an art or science through specialized knowledge based on a degree issued by an institution of higher learning. (Ord. 343 § 3.0 (62), 1980)

18.08.660 Projection.

“Projection” means eaves, cornices, platforms, porches or any type of structure attached to the main building. (Ord. 343 § 3.0 (63), 1980)

18.08.670 Residential facility.

“Residential facility” means a residential care facility, residential training facility or residential treatment facility licensed under ORS 443.400 to 443.455 for eleven or fewer unrelated physically or mentally handicapped persons or elderly persons and not to exceed two staff persons who need not be related to each other or to any other facility resident. (Ord. 435 § 1 (part), 1988: Ord. 343 § 3.0 (part), 1980)

18.08.680 Residential care facility.

“Residential care facility” means a facility that provides, for six or more physically handicapped or socially dependent individuals, residential care in one or more buildings on contiguous properties. (Ord. 435 § 1 (part), 1988: Ord. 343 § 3.0 (part), 1980)

18.08.690 Residential home.

“Residential home” means a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident. (Ord. 435 § 1 (part), 1988: Ord. 343 § 3.0 (part), 1980)

18.08.700 Residential training facility.

“Residential training facility” means a facility that provides for six or more mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties. (Ord. 435 § 1 (part), 1988: Ord. 343 § 3.0 (part), 1980)

18.08.710 Residential treatment facility.

“Residential treatment facility” means a facility that provides for six or more mentally, emotionally or behaviorally disturbed individuals, residential care and treatment in one or more buildings on contiguous properties. (Ord. 435 § 1 (part), 1988; Ord. 343 § 3.0 (part), 1980)

18.08.720 Screened.

“Screened” means concealed or cut off from visual access. (Ord. 343 § 3.0 (64), 1980)

18.08.730 Setback.

“Setback” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title. (Ord. 343 § 3.0 (65), 1980)

18.08.740 Sign.

“Sign” means any face of any lettered or pictorial device or structure designed to inform or attract attention. (Ord. 343 § 3.0 (66) (part), 1980)

18.08.750 Sign face.

“Sign face” means the surface of a sign structure. (Ord. 343 § 3.0 (66) (B), 1980)

18.08.760 Sign, flashing.

“Sign, flashing” means a sign, part or all of whose lights go on and off, or appear to go on and off, intermittently. (Ord. 343 § 3.0 (66) (A), 1980)

18.08.770 Sign, pole or ground.

“Sign, pole or ground” means a sign, any portion of which is supported in or on the ground. (Ord. 343 § 3.0 (66) (C), 1980)

18.08.780 Sign, wall.

“Sign, wall” means a sign painted or affixed to a wall. (Ord. 343 § 3.0 (66) (D), 1980)

18.08.790 Sign, window.

“Sign, window” means a sign painted or affixed to a window, or designed to be seen through the window. (Ord. 343 § 3.0 (66) (E), 1980)

18.08.800 Street or road.

“Street or road” means a public thoroughfare or right-of-way which affords the principal means of access to abutting property. See Title 17 of this code. (Ord. 343 § 3.0 (67), 1980)

18.08.810 Street grade and right-of-way.

“Street grade and right-of-way” means the officially established street grade or right-of-way lines upon which a lot fronts. (Ord. 343 § 3.0 (68), 1980)

18.08.820 Structure.

“Structure” means anything constructed or erected above or below ground, affixed to the ground or attached to something fixed to the ground. (Ord. 343 § 3.0 (69), 1980)

18.08.830 Tower.

“Tower” means a portion of a building that is higher than the remainder of the building, or a tall structure of smaller dimension separate from the building it accompanies, such as the campanile of a church. (Ord. 343 § 3.0 (70), 1980)

18.08.840 Town or city.

“Town or city” means the city of Canyonville. (Ord. 343 § 3.0 (71), 1980)

18.08.850 Travel-recreational vehicle.

“Travel-recreational vehicle” means a vehicle, self-propelled or otherwise, designed to temporarily shelter persons en route on a recreational or vacation trip, having a body width of less than ten feet and no more than five hundred square feet of living space as figured on exterior dimensions of the structure. “Travel-recreational vehicle” includes truck-mounted campers and self-propelled vans. Travel-recreational vehicles, if accommodated in manufactured home parks, shall be located in a separate area of the park designated for such vehicles, and this designated area shall have necessary sanitary facilities. (Ord. 477 § 4 (part), 1993; Ord. 367 § 4 (part), 1982; Ord. 343 § 3.0 (72), 1980)

18.08.860 Travel-recreational vehicle park.

“Travel-recreational vehicle park” means an area of ground upon which one or more trailers or recreational vehicles may be temporarily placed for human occupancy and with other facilities as may be required in this title. (Ord. 367 § 3, 1982: Ord. 343 § 3.0 (77), 1980)

18.08.870 Use.

“Use” means the purpose for which land or a building is designed, arranged or intended or for which it is occupied or maintained, let or leased. (Ord. 343 § 3.0 (74), 1980)

18.08.880 Vehicle.

“Vehicle” means any contrivance in or on which persons or things may be contained, carried or conveyed, whether in motion or standing, and includes mobile homes or trailers as defined in this chapter whether or not fixed or fitted with wheels or runners. (Ord. 343 § 3.0 (75), 1980)

18.08.890 Zone.

“Zone” means a land use area or district established by the city council of Canyonville for designated purposes. (Ord. 343 § 3.0 (76), 1980)

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[Title 18 ZONING](#)

Chapter 18.12 ZONING MAP AND DISTRICT BOUNDARIES

[18.12.010 Zoning map.](#)

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18.12.010 Zoning map.

A. There is created as a part of this title an official zoning map. The official zoning map will show the zone classification or districts into which the city has been divided, and the text of this title shall show the regulations for each land use district. Both the map and the text shall be on file at the office of the city recorder, and there shall be only one official copy of each. If, in accordance with this title any changes are made in the district boundaries or other matter portrayed on the map, or, if changes are made in the text, such changes shall be entered promptly on the map or text after the amendment has been approved by the city commission. The map shall bear the signature of the mayor attested by the city recorder and the seal of the city. Such attest shall identify the map as integral and essential part of this title. In the event that the map becomes damaged, destroyed, lost or difficult to interpret due to the number of changes and additions made upon it, the city commission may, by resolution, adopt a new map to supersede the old one. A new map may correct errors or omissions in the prior map, but no such corrections shall have the effect of amending the prior map. The new map shall be identified and attested in the manner of the prior map provided that there shall also appear on the new map the following words: "This is to certify that this Official Zoning Map supersedes and replaces this Official Zoning Map adopted (date of adoption and original title of Map being replaced) as part of Ordinance No. 343-Z of the City of Canyonville, Oregon."

B. This statement shall be accompanied by the signature of the mayor attested by the city recorder and the seal of the city. Unless otherwise possible, the prior map and all available records pertaining to its adoption and amendment shall be preserved by the city recorder. (Ord. 343 § 4.0 (part), 1980)

18.12.020 Open space and yard regulations.

The regulations set by this title apply, when not specified, to all zones and shall be upon structures or land particularly, except as provided in this section:

A. No part of the yard or other open space for off-street parking or loading space required about or in connection with any building for the purpose of complying with this title shall be included as a part of the

yard, open space or off-street parking or loading space similarly required for any other building.

B. No yard or lot existing at the time of passage of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth herein: Yards or lots created after the effective date of the ordinance codified in this title shall meet at least the minimum requirements established by this title. (Ord. 343 § 4.0 (part), 1980)

18.12.030 District establishment.

The city is divided into zoning districts or zones; such districts shall be shown on the official zoning map and the requirements and intent of each district shall be shown in the text of this title. For the purpose of this title the city is divided and classified into the following zoning districts:

REGULAR DISTRICTS

<u>Zone</u>	<u>Abbreviated Designation</u>
<u>Woodland--Open Space--Agriculture Residential</u>	<u>WOA</u>
<u>Single-Family Residential--7,500 sq. ft.</u>	<u>R-1</u>
<u>Manufactured Home Park/ Duplex Residential</u>	<u>R-2</u>
<u>Multifamily Residential</u>	<u>R-3</u>
<u>Commercial</u>	
<u>Neighborhood Commercial</u>	<u>C-1</u>
<u>Travel Commercial</u>	<u>C-2</u>
<u>Office/Professional</u>	<u>C-3</u>
<u>Industrial</u>	
<u>Light Industrial</u>	<u>I-L</u>
<u>Heavy Industrial</u>	<u>I-G</u>

SPECIAL DISTRICTS

<u>Community Services</u>	<u>CS</u>
<u>Historic</u>	
<u>Steep Slopes</u>	
<u>Riparian Corridors</u>	

(Ord. 536 § 3 Ex. A (part), 1997; Ord. 484-Z § 2, 1994; Ord. 477 § 2, 1993; Ord. 343 § 5.0, 1980)

18.12.040 New districts.

The city is not limited in the number of zones that it can establish. As conditions change over time, the city may choose to add further districts and special districts to this title by amendment. Should any new district be established, it shall be entered in the text of this title and the intent and restrictions for the district shall be fully explained. (Ord. 343 § 5.01, 1980)

18.12.050 Special districts.

Should an area be classified as a special district, such district will overlay a regular district. As such, all uses and structures in a special district shall conform to the regulations of both the special and regular districts. In event of conflict in regulations, the more restrictive shall govern. (Ord. 343 § 5.02, 1980)

18.12.060 Interpretation of district boundaries.

Where an uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be halfway between railroad right-of-way.
- E. Boundaries indicated as following shorelines of lakes or rivers shall be construed to follow such shorelines and in the event of change in a shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section shall be so construed.
- G. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections A through F of this section, the city planning commission shall interpret the district boundaries.
- I. When a district boundary line divided a lot which was in single ownership at the time of the passage of the ordinance codified in this title, the city planning commission may permit as a special exception the extension of the regulations for either portion of the lot not to extend fifty feet beyond the district line into the remaining portion of the lot. (Ord. 343 § 8.0, 1980)

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[Title 18 ZONING](#)

Chapter 18.16 WOA WOODLAND-OPEN SPACE-AGRICULTURE DISTRICT

[18.16.010 Intent.](#)

[18.16.020 Permitted uses.](#)

[18.16.030 Conditional uses.](#)

[18.16.040 Minimum lot size.](#)

[18.16.050 Setback requirements.](#)

[18.16.060 Building height.](#)

18.16.010 Intent.

This district is intended for application to areas within the city or the urban growth boundary which are not planned at present for urban types of development but which may be rezoned and planned for urban development in the future. (Ord. 343 § 6.0, 1980)

18.16.020 Permitted uses.

In a WOA district the following uses are permitted:

- A. Forest management;
- B. Farm use, provided that no animals may be kept on the premises except for one major animal per five acres and poultry for the domestic use of the residents of the property;
- C. Fish and wildlife management;
- D. The development of water impoundments and canals;
- E. Publicly owned parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities;
- F. Fire prevention, detection and suppression facilities;
- G. Nursery for the growing, sale and display of trees, shrubs and flowers;
- H. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of the area, including but not limited to fire stations, schools, granges, community halls and churches;
- I. Single-family dwellings, including manufactured homes, customarily provided in conjunction with a use permitted in this classification, providing residence for the landowner, an immediate family

member or employee, providing that a minimum average density of ten acres per dwelling shall be maintained;

J. Home occupations;

K. Buildings and structures necessary to the above uses. (Ord. 484-Z § 3, 1994; Ord. 343 § 6.01, 1980)

18.16.030 Conditional uses.

Conditional uses in the WOA district shall be as follows:

A. Use or keeping of animals other than that permitted;

B. Quarry, gravel pit or mining;

C. Beekeeping. (Ord. 534 § 1 (part), 1997; Ord. 343 § 6.03, 1980)

18.16.040 Minimum lot size.

No lot shall be created in this district less than ten acres in size. (Ord. 343 § 6.04, 1980)

18.16.050 Setback requirements.

No building or structure shall be located closer than twenty-five feet to any property line. (Ord. 343 § 6.05, 1980)

18.16.060 Building height.

The height of a building shall not exceed thirty-five feet. (Ord. 343 § 6.06, 1980)

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Chapter 18.20 R-1 SINGLE-FAMILY RESIDENTIAL ZONES

[18.20.010 Intent.](#)

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[18.20.030 Permitted accessory uses and structures.](#)

[18.20.040 Conditional uses.](#)

[18.20.060 Minimum lot size.](#)

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[18.20.080 Building height.](#)

18.20.010 Intent.

This district is intended to provide a low density area, protected as to quality, values, identity, environmental privacy, light and air and outdoor space. Meant to conform to service systems and facilities which support the residential quality of the area. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.07, 1980)

18.20.020 Permitted uses and structures.

In the R-1 zone, permitted uses and structures shall be as follows:

- A. Single-family residences including manufactured homes; and
- B. Residential homes (five persons or less). (Ord. 536 § 3 Exh. A (part), 1997; Ord. 484-Z § 4, 1994; Ord. 435 § 2, 1988; Ord. 343 § 6.08, 1980)

18.20.030 Permitted accessory uses and structures.

In the R-1 zone, the following uses and their accessory uses are permitted:

- A. Residential garages and carports;
- B. Private workshops;
- C. Private greenhouses;

- D. Private swimming pools;
- E. Private tennis courts;
- F. Other uses determined by the city planning commission to be of a similar and compatible nature. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.09, 1980)

18.20.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions:

- A. Boarding houses;
- B. Traditional home occupations;
- C. Parks and open space;
- D. Schools;
- E. Churches. (Ord. 550 § 1 (part), 1999; Ord. 536 § 3 Exh. A (part), 1997; Ord. 534 § 1 (part), 1997; Ord 343 § 6.10, 1980)

18.20.060 Minimum lot size.

In the R-1 zone, the average lot area per family shall not be less than seven thousand five hundred square feet, and the minimum lot frontage shall be seventy-five feet. In developments of greater than five acres, lot sizes may be reduced to no less than six thousand square feet as a result of density transfer, provided that all perimeter lots remain a minimum of seven thousand five hundred square feet. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.11, 1980)

18.20.070 Setback requirements.

In the R-1 zone, the minimum setback requirements shall be as follows:

- A. The front building setback shall be:
 - 1. A minimum of twenty-five feet along arterial and collector streets;
 - 2. A minimum of fifteen feet along local streets;
 - 3. Except that garages shall be set back a minimum of twenty feet from any street.
- B. The side building setback shall be:
 - 1. A minimum of five feet; except
 - 2. If the side setback abuts a collector or arterial street, in which case the minimum shall be twenty-five feet;
 - 3. Otherwise, the street side yard setback shall be fifteen feet.
- C. The rear setback shall be a minimum of ten feet;
- D. See Sections 18.76.010 and 18.76.020 for additional setback requirements and Section 18.72.070 for setbacks on streets with incomplete rights-of-way. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 417 § 1, 1987; Ord. 343 § 6.12, 1980)

18.20.080 Building height.

In the R-1 zone, the height of a building shall not exceed thirty-five feet. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.13, 1980)

[Title 18 ZONING](#)

Chapter 18.24 R-2 MANUFACTURED HOME PARK/DUPLEX RESIDENTIAL ZONE

[18.24.010 Intent.](#)

[18.24.020 Permitted uses and structures.](#)

[18.24.030 Permitted accessory uses and structures.](#)

[18.24.040 Conditional uses.](#)

[18.24.050 Minimum lot size.](#)

[18.24.060 Setback requirements.](#)

[18.24.070 Building height.](#)

18.24.010 Intent.

This district is intended to provide a medium density zone meant to serve primarily as a duplex and manufactured home park residential district. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.14, 1980)

18.24.020 Permitted uses and structures.

In an R-2 zone, the following uses are permitted:

- A. A use permitted in the R-1 zone;
- B. Duplexes;
- C. Residential homes (five persons or less);
- D. Manufactured home parks, subject to the standards of Chapter 18.36. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 435 § 3, 1988; Ord. 343 § 6.15, 1980)

18.24.030 Permitted accessory uses and structures.

In an R-2 zone, the following uses and their accessory uses are permitted:

- A. Garages or parking spaces for each dwelling unit;
- B. Noncommercial swimming pools, noncommercial tennis courts, greenhouses, garden, tool or

garbage sheds.

C. Uses accessory to a manufactured home park, as prescribed in Chapter 18.36. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.16, 1980)

18.24.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions:

- A. Boardinghouses;
- B. Traditional home occupations;
- C. Residential facilities to include: residential care facility, residential training facility and residential treatment facility;
- D. Churches. (Ord. 550 § 1 (part), 1999; Ord. 534 § 1 (part), 1997; Ord 435 § 4, 1988; Ord. 343 § 6.17, 1980)

18.24.050 Minimum lot size.

In an R-2 zone, the lot area shall not be less than: one unit, seven thousand five hundred square feet; two units, eight thousand square feet; eleven thousand square feet plus one thousand five hundred square feet per additional unit, and the minimum lot frontage shall be seventy-five feet. (Ord. 343 § 6.18, 1980)

18.24.060 Setback requirements.

In an R-2 zone, the minimum setback requirements shall be as follows:

- A. The front setback shall be a minimum of twenty-five feet;
- B. The side setback shall be a minimum of five feet except if the side setback abuts a street, the minimum shall be twenty-five feet;
- C. The rear setback shall be a minimum of ten feet;
- D. See Sections 18.76.010 and 18.76.020 for additional setback requirements and Section 18.72.070 for setbacks on streets with incomplete rights-of-way. (Ord. 343 § 6.19, 1980)

18.24.070 Building height.

In an R-2 zone the height of a building shall not exceed thirty-five feet. (Ord. 417 § 2, 1987; Ord. 343 § 6.20, 1980)

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Chapter 18.28 R-3 MULTIFAMILY RESIDENTIAL ZONE

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[18.28.020 Permitted uses and structures.](#)

[18.28.030 Permitted accessory uses and structures.](#)

[18.28.040 Conditional uses.](#)

[18.28.050 Minimum lot size and area.](#)

[18.28.060 Setback requirements.](#)

[18.28.070 Building height.](#)

18.28.010 Intent.

This district is intended to provide a high density area meant to serve primarily as a multifamily residential zone. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.21, 1980)

18.28.020 Permitted uses and structures.

In the R-3 zone the following uses are permitted:

- A. Apartments and multifamily dwellings;
- B. Boarding, lodging or roominghouses;
- C. Fraternity and sorority houses, dormitories, retirement homes, religious quarters, residential hotels and nursing homes;
- D. Residential home (five persons or less);
- E. A use permitted in the R-2 zone, provided that the overall density of the development within the R-3 zone occurs at eight to eighteen dwelling units per acre. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 435 § 5, 1988; Ord. 343 § 6.22, 1980)

18.28.030 Permitted accessory uses and structures.

In an R-3 zone the following uses and their accessory uses are permitted:

- A. Garages or parking spaces for each dwelling unit;
- B. Noncommercial swimming pools, noncommercial tennis courts, greenhouses, garden, tool or garbage sheds. (Ord. 343 § 6.23, 1980)

18.28.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions:

- A. Residential facilities to include: residential care facility, residential training facility and residential treatment facility;
- B. Churches. (Ord. 550 § 1 (part), 1999; Ord. 534 § 1 (part), 1997; Ord. 435 § 6, 1988; Ord. 343 § 6.24, 1980)

18.28.050 Minimum lot size and area.

In the R-3 zone:

- A. The minimum lot size shall not be less than six thousand square feet; and
- B. The minimum development density shall not be less than eight units per acre nor more than eighteen units per acre. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.25, 1980)

18.28.060 Setback requirements.

In an R-3 zone the minimum setback requirements shall be as follows:

- A. The front setback shall be a minimum of fifteen feet for one story buildings and a minimum of twenty-five feet for two-story buildings.
- B. The side setback shall be a minimum of five feet except the setback shall be a minimum of fifteen feet where the lot abuts an R-1 zone, and shall be a minimum of twenty-five feet where the lot abuts a street.
- C. The rear setback shall be a minimum of ten feet.
- D. See Sections 18.76.010 and 18.76.020 for additional setback requirements and Section 18.72.070 for setbacks on streets with incomplete rights-of-way. (Ord. 417 § 3, 1987; Ord. 343 § 6.26, 1980)

18.28.070 Building height.

In an R-3 zone the height of a building shall not exceed thirty-five feet. (Ord. 343 § 6.27, 1980)

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[Title 18 ZONING](#)

Chapter 18.32 STANDARD CONDITIONS FOR MANUFACTURED HOMES

[18.32.010 Standard conditions for manufactured homes \(on individual lots in all zones that allow single-family residences\).](#)

18.32.010 Standard conditions for manufactured homes (on individual lots in all zones that allow single-family residences).

1. The portion of the lot on which the manufactured home is to be located shall not exceed a slope of twelve percent to twenty-five percent without first receiving a report attesting to the soil suitability for proposed development purposes from a registered engineer, geologist or soil scientist prior to excavation or fill on the parcel.
2. The manufactured home shall be multisectional, and have a minimum enclosed floor area of one thousand square feet. The manufactured home must be no older than five years from the time the placement permit application is made.
3. The manufactured home shall have a roof pitch of a minimum of fourteen degrees (three feet in height for each twelve feet in width).
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominate materials used on surrounding dwellings as determined by the local approval authority.
5. The manufactured home may have a carport or garage which shall be constructed of similar materials to those used on the exterior of the manufactured home.
6. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code defined in ORS 455.010.
7. The manufactured home shall be placed on firm undisturbed soil; or controlled fill (Administrative Rules 918-500-005, Definitions, No. 2); the use of continuous ribbon footings is preferred; the base of the exterior wall of the unit shall be a minimum of eighteen inches to a maximum of twenty-four inches above finished grade unless the manufactured home is placed over an engineered, state and county approved daylight basement; set-up shall comply with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918, as amended.
8. The understory of the manufactured home shall be enclosed at the perimeter with solid concrete, masonry, metal or pressurized wood for a continuous skirt that in design and color give the appearance that the skirt is an integral part of the exterior of the manufactured home.
9. Drains shall be provided around all concrete or masonry footings enclosing habitable or usable spaces located below grade. Drainage materials and systems shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage

system per applicable building standards.

10. Manufactured housing will be disallowed within the historic special district and any lot immediately adjacent to the district. Immediately adjacent is defined as: sharing a common boundary with a property in the district or facing directly on a portion of a street which is a boundary of the historic special district.

11. The manufactured home shall conform in all respects to any applicable city (including but not limited to Chapter 18.34), county, state and/or federal regulation in force at the time of installation. (Ord. 505-M, 1995; Ord. 484-Z § 6, 1994)

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Chapter 18.34 DESIGN STANDARDS FOR SINGLE-FAMILY USES

[18.34.010 Design standards for single-family uses.](#)

18.34.010 Design standards for single-family uses.

All single-family dwellings, including manufactured homes, shall utilize at least two of the following design features:

- A. Dormers;
- B. Recessed entries;
- C. Cupolas;
- D. Bay or bow windows;
- E. Attached garage;
- F. Window shutters;
- G. A roof with a pitch greater than nominal 3/12;
- H. Off-sets on building face or roof (minimum twelve inches);
- I. Gables;
- J. Covered porch entry;
- K. Pillars or posts;
- L. Eaves (minimum six inches);
- M. Tile, composition or shake roof;
- N. Horizontal lap siding. (Ord. 484-Z § 8, 1994)

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Chapter 18.36 R-MHP RESIDENTIAL MANUFACTURED HOME PARK STANDARDS

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18.36.010 Intent.

These standards are intended to regulate the location of manufactured home parks and to provide additional standards of development for such manufactured home parks recognizing that a manufactured home park is a unique type of medium density development. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 477 § 4 (part), 1993; Ord. 343 § 6.35, 1980)

18.36.020 Permitted uses and structures.

Manufactured home parks are permitted in the R-2 and R-3 zones only. See Chapters 18.24, R-2 Manufactured Home Park/Duplex Residential Zone, and 18.28, Multifamily Residential Zone. (Ord. 477 § 4 (part), 1993; Ord. 343 § 6.36, 1980)

18.36.030 Permitted accessory uses and structures in manufactured home parks.

In an approved manufactured home park the following uses and their accessory uses are permitted:
A. Awnings, skirtings, portable storage cabinets, carpets and porches, and similar structures which are customarily used in conjunction with and incidental to the principal use of the structure;

- B. Recreation rooms and laundry rooms for park residents only;
- C. One-family houses for the park owner, caretaker or manager. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.37, 1980)

18.36.040 Conditional uses.

The following additional uses are permitted after hearing and attachment of conditions to approval of a manufactured home park:

- A. None. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.38, 1980)

18.36.050 Minimum site size.

A manufactured home park site shall have an area of not less than one acre. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 477 § 4 (part), 1993; Ord. 343 § 6.39, 1980)

18.36.060 Setbacks.

The minimum setbacks from the public right-of-way and property lines shall be:

- A. The front setback shall be a minimum of twenty-five feet;
- B. The side setback shall be a minimum of ten feet except there shall be a minimum of fifteen feet where the lot abuts a street;
- C. The rear setback shall be a minimum of fifteen feet except the setback shall be a minimum of twenty-five feet where the property abuts an R-1 zone;
- D. See Sections 18.76.010 and 18.76.020 for additional setback requirements and Section 18.72.070 for setbacks on streets with incomplete rights-of-way. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.40, 1980)

18.36.070 Manufactured home park standards.

- A. A manufactured home park shall be built to state standards in effect at the time of construction and shall comply with the following additional provisions:
 1. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law;
 2. The space provided for each manufactured home shall be provided with piped potable water and electrical and sewerage connections;
 3. The number of spaces for manufactured homes shall not exceed eight for each acre of the total area in the manufactured home park;
 4. A manufactured home shall occupy not more than fifty percent of the contiguous space provided for the exclusive use of the occupants of the manufactured homes and exclusive of space provided for the common use of tenants, such as roadways and areas for recreation and landscaping;
 5. No manufactured home in the park shall be located closer than fifteen feet from another manufactured home or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than ten feet from a manufactured home accessory building or other building or structure on a manufactured home

space. No manufactured home or other building or structure shall be within twenty feet of a public street property boundary or ten feet of another property boundary;

6. A manufactured home permitted in the park shall meet the following standards as determined by an inspection by the building official:

a. It shall have a state insignia indicating compliance with state manufactured home construction standards in effect at the time of manufacture and including compliance for reconstruction of equipment installation made after manufacture,

b. Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the manufactured home shall meet the state standards for manufactured home construction evidenced by the insignia,

c. It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space;

7. Manufactured homes shall be installed under the provisions of the administrative rules adopted by the Director of Commerce and administered by the State Building Code Division;

8. Each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department and police department;

9. If a manufactured home space or permanent structure is more than five hundred feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within the park, shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city;

10. A manufactured home shall have a roof with a minimum slope of sixteen percent, (2:12), and shall have a composition or shake roof, or other roofing material approved by the planning department;

11. The manufactured home park shall be screened from the public right-of-way and adjacent residential areas by a sight-obscuring fence, vegetation, berm or any combination of the above as approved by the planning commission.

B. Access to All Parks.

1. Vehicular access to all parks shall be permitted from an abutting major or collector street;

2. No park entrance nor exit shall be located closer than one hundred feet from any intersection of any public street.

C. Internal Access Roads and Parking--Parks.

1. Internal access roads shall be paved to a width not less than twenty feet. If parking is permitted on one side, the road shall be not less than thirty feet in width. Width shall be measured from the face of curbs on standard curb construction;

2. Road cul-de-sacs shall have a minimum outside turning radius of forty feet. All corners shall have a minimum radii of fifteen feet;

3. Curbs and adequate drainage shall be provided;

4. Roads shall be lighted;

5. The road shall provide direct access to each lot or site;

6. Stop signs shall be provided at all intersections with public streets;

7. Two vehicle parking spaces, one of which must be paved, shall be provided for each lot. One-half additional space per lot in the storage yard in the park shall be provided for travel trailers, campers, boats, etc. Parking spaces for guest parking shall be made available and distributed throughout the park at the rate of one-half parking space per unit.

D. Storage Yards. Storage yards in parks for trailers, boats, campers and recreational vehicle equipment shall be constructed of a dust-free all-weather surface and shall be enclosed by a six-foot-high, sight-obscuring decorative fence and gate. Wash racks, if provided, shall be located in the

storage yards, with adequate drainage. Except for temporarily locating the same in storage yards, no manufactured homes shall be hauled to and stored in a manufactured home park unless it is properly installed on a lot or site.

E. Accessory Structures. All accessory structures in parks including, but not limited to, carports, storage lockers, recreation and management buildings, cabanas and ramadas, shall be of a consistent design and shall be subject to the approval of the city planning commission.

F. On-site Landscaping. In the design of a park, every effort shall be made to retain existing trees.

G. Utilities. Each park lot shall be provided with a connection to a city sewer line. All utility services within the park shall be underground.

H. Lot Development Standards--Manufactured Home Parks.

1. A patio of concrete with a minimum of one hundred sixty square feet shall be installed as a part of each lot prior to its occupancy.

2. A storage locker with a minimum area of sixty square feet shall be provided on each lot.

3. Wheels, hubs and axles may be removed from manufactured homes. The perimeter of the manufactured home shall be skirted with a material compatible with the exterior of the unit.

4. No accessory building may be constructed as a permanent part of the manufactured home.

I. Management Office. Each park shall contain and maintain a management office.

J. Permit Required for Manufactured Home Parks and Travel/Recreational Vehicle Parks.

1. No manufactured home park or travel trailer/recreational vehicle park shall be established or maintained in the city unless a permit has been obtained for such park. A permit for a park as provided herein shall not be issued by the city recorder until the planning commission has approved such issuance at a public hearing. Any approval, approval with conditions, or denial by the planning commission of an application may be appealed within thirty calendar days of the public hearing wherein the decision was made to the city council. The decision by the city council on such appeals shall be final.

2. Any failure on the part of the management to comply with any provision of this title or the laws of the state or with the rules and regulations of the State Board of Health shall be sufficient grounds for the revocation by the city council of a permit for a manufactured home park or a travel trailer/recreational vehicle park.

K. Information to be Furnished by Applicant--Plot Plans Required.

1. The application for a permit to construct a new manufactured home park or to expand an existing manufactured home park shall be accomplished by four copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire manufactured home park and should be drawn to a scale not smaller than one inch representing forty feet. The drawing shall be placed on substantial tracing paper, and shall show the following information:

a. Name of person who prepared the plan;

b. Name of manufactured home park and address;

c. Scale and North point of the plan;

d. Boundaries and dimensions of the manufactured home park;

e. Location and dimensions of each manufactured home space;

f. Location and dimensions of each existing or proposed building;

g. Location and width of accessways;

h. Location and width of walkways;

i. Location of each lighting fixture for lighting the manufactured home spaces and grounds;

j. Location of recreation area and buildings, and area of recreation spaces in square feet;

k. Location of point where manufactured home park water and sewer system connects with the public system;

l. Location of available fire and irrigation hydrants;

- m. Location of public telephone service for the park;
 - n. Enlarged plot plan of a typical manufactured home space, showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping;
 - o. Location of all buried utility services.
2. Before submitting the plan to the planning commission or city council, the city recorder shall require reports from the appropriate city departments and the State Board of health and shall transmit the application, the plan and said reports and recommendations of the health officer to the council. If it appears to the commission or council that the applicant's manufactured home park complies with the provisions of this title, the council shall approve the issuance of the license.
- L. Compliance with All State Requirements. Relative to manufactured homes, travel-recreational vehicles, manufactured home parks, travel-recreational parks, and all matters involving the same, the minimum requirements and specifications of all statutes and lawful rules and regulations of all duly constituted authorities shall be complied with, without limitation, however, as to the requirements of this title in those situations where these requirements are greater than those of the state. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 477 § 4 (part), 1993; Ord. 367 § 1, 1982; Ord. 343 § 6.41, 1980)

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Chapter 18.40 C-1 RETAIL COMMERCIAL ZONE

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18.40.010 Intent.

This district is intended to serve as a retail and service center for the city, for both potential and existing city and area needs, such service designed to have their own off-street parking and loading spaces and to minimize adverse effects on nearby areas. (Ord. 343 § 6.42, 1980)

18.40.020 Permitted uses and structures.

In a C-1 zone the following uses are permitted:

- A. Retail uses within a building including apparel and accessory stores, bicycle stores, bookstores, cameras and photographic supplies, department stores, florists, furniture and home furnishing stores, general stores, gift, novelty and souvenir stores, jewelry stores, optical goods stores, radio and television repair stores, record stores, sporting goods stores, stationery stores, variety stores, bakeries--retail or manufacturing, drugstores, food stores, hardware stores, restaurants;
- B. Office uses including banks, business offices, professional offices, studios, utility offices;
- C. Service uses within a building including barbershops, beauty parlors, electrical and appliances repair services, self-service laundries, laundry and dry cleaning outlets, photofinishing, printing shops, theaters, watch, clock and jewelry repair services, shoe repair;
- D. Residential home (five persons or less) in a pre-existing residential dwelling. (Ord. 435 § 8, 1988;

Ord. 343 § 6.43, 1980)

18.40.030 Permitted accessory uses and structures.

In a C-1 zone any use or structure customarily accessory to permitted uses shall be permissible. (Ord. 343 § 6.44, 1980)

18.40.040 Conditional uses.

After hearing and attachment of conditions, the following are permitted:

- A. Garden supply stores, horticultural nurseries, drive-in windows and stalls for banks, newspaper and printing plant;
- B. Service uses inside or outside a building: auto repair, auto sales, boat sales, carwash, gasoline sales, nursery, outdoor market, plumbing and heating service, recreation facility, secondhand sales, veterinary clinic;
- C. Apartments as an accessory use as defined in Sections 18.08.020 and 18.08.050. (Ord. 534 § 1 (part), 1997; Ord. 532 § 2, 1997; Ord. 343 § 6.45, 1980)

18.40.050 Minimum lot size.

In a C-1 zone, the lot area shall not be less than five thousand square feet; the minimum lot frontage shall be fifty feet. (Ord. 343 § 6.46, 1980)

18.40.060 Lot coverage.

In a C-1 zone the maximum lot coverage shall not exceed one hundred percent including parking and buffer zones. (Ord. 343 § 6.47, 1980)

18.40.070 Setbacks.

Buildings shall be located a minimum of fifteen feet from the side of a lot, and twenty-five feet from the rear of a lot. These setback requirements shall not apply unless the lot adjoins a residential district. See Sections 18.76.010 and 18.76.020 for additional setbacks, and see Section 18.72.070 for setbacks on streets with incomplete rights-of-way. (Ord. 392 § 2, 1985; Ord. 343 § 6.48, 1980)

18.40.080 Building height.

In a C-1 zone the height of a building shall not exceed fifty feet or thirty-five feet when lot adjoins a residential district. (Ord. 343 § 6.49, 1980)

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Chapter 18.44 C-2 TRAVEL COMMERCIAL ZONE

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[18.44.080 Building height.](#)

18.44.010 Intent.

This district is intended to provide for uses and facilities serving primarily the tourist and other transient highway users. Such services will also provide off-street parking and loading and will also curtail adverse effects on nearby areas. (Ord. 343 § 6.50, 1980)

18.44.020 Permitted uses and structures.

In a C-2 zone the following uses are permitted:

- A. Service stations;
- B. Motels, hotels;
- C. Restaurants, cafes or other eating establishments;
- D. Gift shops;
- E. Residential home (five persons or less) in a pre-existing residential dwelling;
- F. Other uses later deemed conditional by the city planning commission. (Ord 435 § 9, 1988; Ord. 343 § 6.51, 1980)

18.44.030 Permitted accessory uses and structures.

In a C-2 zone any use or structure customarily accessory to permitted uses shall be permissible. (Ord. 343 § 6.52, 1980)

18.44.040 Conditional uses.

After hearing and attachment of conditions, the following are permitted:

- A. Drive-in windows and stalls for banks and eating places;
- B. Production of items sold on the premises;
- C. Garden supply shop;
- D. Horticultural nursery. (Ord. 534 § 1 (part), 1997; Ord. 343 § 6.53, 1980)

18.44.050 Minimum lot size.

In a C-2 zone, the lot area shall not be less than five thousand square feet and the minimum lot frontage shall be fifty feet. (Ord 343 § 6.54, 1980)

18.44.060 Lot coverage.

In a C-2 zone the maximum lot coverage shall not exceed one hundred percent including parking and buffer zones. (Ord. 343 § 6.55, 1980)

18.44.070 Setbacks.

Setback requirements shall not apply unless adjoining any residential district, in which case a minimum of fifteen-foot side setback and twenty-five-foot rear setback shall apply. See Section 18.76.020 for additional setbacks, and see Section 18.72.070 for setbacks on streets with incomplete rights-of-way. (Ord. 343 § 6.56, 1980)

18.44.080 Building height.

In a C-2 zone the height of a building shall not exceed fifty feet or thirty-five feet when lot adjoins a residential district. (Ord. 343 § 6.57, 1980)

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Chapter 18.48 C-3 OFFICE PROFESSIONAL ZONE

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18.48.010 Intent.

This district is intended to serve as a location for office uses, and may serve as a buffer between residential and other commercial areas. (Ord. 343 § 6.58, 1980)

18.48.020 Permitted uses and structures.

In a C-3 zone the following uses are permitted:

- A. Professional offices and hospitals, including but not limited to insurance, doctor, dental and real estate offices, banks, savings and loans, accountants, engineers and attorneys;
- B. Residential home (five persons or less), in a pre-existing residential dwelling. (Ord. 435 § 10, 1988; Ord. 343 § 6.59, 1980)

18.48.030 Permitted accessory uses and structures.

In a C-3 zone any use or structure customarily accessory to permitted uses shall be permissible. (Ord. 343 § 6.60, 1980)

18.48.040 Conditional uses.

After hearing and attachment of conditions, the following are permitted:

A. None. (Ord. 343 § 6.61, 1980)

18.48.050 Minimum lot size.

In a C-3 zone, the lot area shall not be less than five thousand square feet and the minimum lot frontage shall be fifty feet. (Ord. 343 § 6.62, 1980)

18.48.060 Setbacks.

Setback requirements shall not apply unless adjoining any residential district, in which case a minimum fifteen-foot side setback and twenty-five-foot rear setback shall apply. See Section 18.76.020 for additional setbacks, and see Section 18.72.070 for setbacks on streets with incomplete rights-of-way. (Ord. 343 § 6.63, 1980)

18.48.070 Building height.

In a C-3 zone the height of a building shall not exceed fifty feet or thirty-five feet when lot adjoins a residential district. (Ord. 343 § 6.64, 1980)

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Chapter 18.52 I-L LIGHT INDUSTRIAL ZONE

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[18.52.070 Parking.](#)

18.52.010 Intent.

This district is intended to provide an area for light industrial and heavy commercial uses that have little or no impact to the surroundings from noise, odor, smoke, fumes, glare, vibration or other effects. (Ord 343 § 6.65, 1980)

18.52.020 Permitted uses.

The following uses are allowed in the light industrial zone subject to compliance with other requirements:

- A. Storage, either within a building or outside;
- B. Contractors or building materials yards;
- C. Sales (retail or wholesale) of products manufactured on the premises;
- D. Welding shops and automotive repair shops;
- E. Research, testing, assembling, manufacturing, compounding or other similar activity which is conducted inside a completely enclosed building, except for parking and loading, which does not result in nuisances or pollution having any effect beyond the confines of the building;
- F. Any building or structure customarily accessory to any of these uses in this section. (Ord. 343 § 6.66, 1980)

18.52.030 Conditional uses.

The following uses are permitted after hearing and attachment of conditions:

A. None. (Ord. 534 § 1 (part), 1997; Ord. 343 § 6.67, 1980)

18.52.040 Minimum lot size.

Any lot or parcel in this zone must be five thousand square feet in area. (Ord 343 § 6.68, 1980)

18.52.050 Setbacks.

In an I-L zone the minimum setbacks shall be as follows:

A. The front setback shall be a minimum of twenty feet from front lot line;

B. The side setback shall be none, unless adjacent to a residential zone in which case fifteen feet from side lot line;

C. The rear setback shall be none, unless adjacent to a residential zone in which case fifteen feet from rear lot line. (Ord. 343 § 6.69, 1980)

18.52.060 Building height.

No building shall exceed a height of fifty feet or thirty-five feet when adjacent to a residential zone; no structure or projection shall exceed a height of seventy-five feet. (Ord. 343 § 6.70, 1980)

18.52.070 Parking.

See Sections 18.76.100, 18.76.110 and 18.76.120. (Ord. 343 § 6.71, 1980)

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Chapter 18.56 I-G GENERAL INDUSTRIAL ZONE

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[18.56.080 Walls and screening.](#)

18.56.010 Intent.

This district is intended to provide areas for heavier industrial uses than those in the light industrial zone. (Ord. 343 § 6.71, 1980)

18.56.020 Permitted uses.

The following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this title:

- A. Bottling works;
- B. Contractor's equipment storage yards;
- C. Laundry, cleaning and dyeing works, and carpet and rug cleaning;
- D. Lumberyards, retail, including mill work;
- E. Manufacture of pottery;
- F. Manufacturing, compounding or assembling of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, precious or semi-precious stones, shell, textiles, tobacco, wood, yarns and paint; none of the foregoing employing a foundry process;
- G. Plumbing and sheet metal shops;

- H. Meat processing plant (not including slaughtering);
- I. Welding and machine shops;
- J. Wholesale business, storage buildings and warehouses. (Ord. 343 § 6.72, 1980)

18.56.030 Conditional uses.

After hearing and attachment of conditions, the following may be permitted:

- A. Bulk fuel storage facilities;
- B. Cement concrete batching and the manufacture and sale of concrete products;
- C. Freight and truck yards and terminals. (Ord. 534 § 1 (part), 1997; Ord. 467 § 1, 1992; Ord. 343 § 6.73, 1980)

18.56.040 Minimum lot size.

Any lot or parcel in this zone must be twenty thousand or more square feet in area, have an average lot width of not less than one hundred feet, and have an average lot depth of not less than one hundred feet. (Ord. 343 § 6.74, 1980)

18.56.050 Setbacks.

In an I-G zone the minimum setbacks shall be as follows:

- A. The front setback shall be a minimum of twenty feet from front lot line;
- B. The side setback shall be none, unless adjacent to a residential zone in which case fifteen feet from side lot line;
- C. The rear setback shall be none, unless adjacent to a residential zone in which case fifteen feet from rear lot line. (Ord. 343 § 6.75, 1980)

18.56.060 Building height.

No building shall exceed a height of fifty feet or thirty-five feet when adjacent to a residential zone; no structure or projection shall exceed a height of seventy-five feet. (Ord. 343 § 6.76, 1980)

18.56.070 Parking.

See Sections 18.76.100, 18.76.110 and 18.76.120. (Ord. 343 § 6.77, 1980)

18.56.080 Walls and screening.

Any development on property which is zoned general industry shall provide walls or screening subject to approval by the planning commission unless the property abutting is also zoned general industry. The walls and screening shall be for the purpose of blocking or buffering adjacent properties from dust, glare, noise, odors, smoke or appearance. The walls or screening shall be at

least six feet in height from grade, but no wall or screening shall be required to be more than ten feet in height. The materials and location of the walls or screening shall be subject to planning commission approval. (Ord. 343 § 6.78, 1980)

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Chapter 18.60 SD-CS COMMUNITY SERVICES ZONE

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18.60.010 Intent.

This district is intended to provide for the review and location of public and semi-public uses which, by reason of their convenience, necessity, character or effect may be appropriate in any district. (Ord. 343 § 6.79, 1980)

18.60.020 Permitted uses and structures.

In an SD-CS zone, the following uses are permitted:

- A. Museums, public and private;
- B. Churches, school, public and parochial;
- C. Cemeteries and mortuaries;
- D. Parks, playgrounds, public golf courses;
- E. Government buildings or uses, hospital;
- F. Philanthropic or eleemosynary institutions;
- G. Public utility;
- H. Nonprofit campgrounds. (Ord. 343 § 6.80, 1980)

18.60.030 Permitted accessory uses and structures.

In an SD-CS zone any use or structure customarily accessory to a permitted use shall be permitted. (Ord. 343 § 6.81, 1980)

18.60.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions:

A. None. (Ord. 534 § 1 (part), 1997; Ord. 343 § 6.82, 1980)

18.60.050 Setbacks and lot coverage.

See regulations for underlying district. (Ord. 343 § 6.83, 1980)

18.60.060 Building height.

In an SD-CS zone the height of a building shall not exceed thirty-five feet. (Ord. 343 § 6.84, 1980)

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Chapter 18.64 HISTORIC SPECIAL DISTRICT

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18.64.010 Intent.

This district is intended to maintain recognized historic areas and preserve their character. (Ord. 369 § 1 (part), 1982: Ord. 343 § 6.94 (1), 1980)

18.64.020 Eligibility.

Areas, sites, structures or objects eligible for this designation must have local, regional, statewide or national historic significance. (Ord. 369 § 1 (part), 1982: Ord. 343 § 6.94 (2), 1980)

18.64.030 Designation procedure.

A. No building or structure on a site which is designated special historic overlay shall be erected, altered, removed, demolished or moved without first obtaining specific approval of the city council. Review shall include uses, buildings, site layout, signs and exteriors of all buildings.

B. The city council at a public hearing may approve, approve with conditions or deny the proposed action. Such decision by the council shall take effect thirty days from the date of the hearing and shall be conveyed to the applicant in writing. (Ord. 369 § 1 (part), 1982: Ord. 343 § 6.94 (3), 1980)

18.64.040 Designation criteria.

In reviewing such proposals the following shall be considered:

A. Compatibility of the proposed alterations or uses with the nature of the historic site and surrounding area;

- B. Degree of retention of the distinguishing qualities of the site or building;
- C. Maintaining architectural features by repairing existing features or replacing with similar features. (Ord. 369 § 1 (part), 1982: Ord. 343 § 6.94 (4), 1980)

18.64.050 State and national sites.

Prior to demolition or remodeling of any historical sites or structures identified through the State of Oregon Inventory of Historical Sites and Buildings or on the National Register, the city council will be provided at least thirty days' notice to poll community attitudes and pursue potential funding for restoration or purchase of the structure. (Ord. 369 § 1 (part), 1982: Ord. 343 § 6.94 (5), 1980)

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Chapter 18.68 STEEP SLOPES SPECIAL DISTRICT

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18.68.010 Intent.

This district is intended to ensure that development generally avoids steep slopes and that limited development on potentially hazardous slopes occurs without causing danger to life or property, either on or adjacent to such development. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 369 § 2 (part), 1982; Ord. 343 § 6.95 (1), 1980)

18.68.020 Designation criteria.

Lands designated with this overlay include areas having eighteen percent and greater slopes, landslides or highly unstable conditions, as described on the Canyonville buildable lands inventory map. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 369 § 2 (part), 1982; Ord. 343 § 6.95 (2), 1980)

18.68.030 Survey requirements.

A site-specific topographic survey, prepared by a surveyor licensed in the state of Oregon, shall be required prior to submission of a development application affecting land within the steep slopes special district. This survey shall show two-foot contour lines for all areas with up to eighteen percent slope and five-foot contour lines for all areas with greater than eighteen percent slope. (Ord. 536 § 3 Exh. A (part), 1997)

18.68.040 Building limitations and options.

A. Building construction shall only be permitted on land that has been certified as safe for

construction by a geologist or geotechnical engineer licensed in the state of Oregon.

B. No new lots shall be created which include unstable slopes unless the unbuildable portion of the lot is protected by a conservation easement, or other legally binding instrument approved by the city attorney, and sufficient buildable land remains on the lot to construct a legally permitted use that has reasonable economic value, without the need variance approval.

C. Clustering of development shall be encouraged to maximize the use of the most suitable building portion of the site, while avoiding steep or hazardous slope areas. (Ord. 536 § 3 Exh. A (part), 1997)

18.68.050 Designation requirements.

Any permit requested for a building or structure on land designated as potential slide hazard on the Canyonville buildable lands inventory map or having slopes of eighteen percent or greater shall be accompanied by a written report. Such report shall be prepared by a licensed engineer or geologist, and shall attest to the adequacy of the soils in conjunction with the slope of the proposed building site to support the buildings, structures and accompanying roads, driveways and excavations. The planning commission and the city council shall consider the report and other pertinent material when reviewing a permit request in a potential landslide area within the steep slopes special district. (Ord. 536 § 3 Exh. A (part), 1997; Ord. 369 § 2 (part), 1982; Ord. 343 § 6.95 (3), 1980)

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Chapter 18.70 RIPARIAN CORRIDOR SPECIAL DISTRICT

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18.70.010 Intent.

This district is intended to ensure that new development adjacent to the South Umpqua River and Canyon Creek, and their tributaries, occurs consistent with the conservation of river and stream riparian corridors, as required by the Goal 5 Administrative Rule (OAR Chapter 660, Division 23). (Ord. 536 § 3 Exh. A (part), 1997)

18.70.020 Designation criteria.

Land and water areas designated within this overlay district include the South Umpqua River, Canyon Creek, tributary streams and their riparian corridors.

- A. The South Umpqua River shall have a riparian corridor (building setback area) of seventy-five feet from the top of the river bank or edge of an associated wetland.
- B. All perennial streams, including Canyon Creek, shall have a riparian corridor (building setback area) of fifty feet. (Ord. 536 § 3 Exh. A (part), 1997)

18.70.030 Survey requirements.

A site-specific topographical survey, prepared by a licensed surveyor, shall be submitted with any development application affecting land within the riparian corridor special district. This survey shall show two-foot contour lines for the area within this special district, and the following:

- A. The top-of-bank as defined in OAR 660-23-660-23-090(1)(G);
- B. Any existing wetlands on the site;
- C. The appropriate riparian corridor building setback area. (Ord. 536 § 3 Exh. A (part), 1997)

18.70.040 Building limitations.

A. No new lots shall be created within the riparian corridor special district unless that portion of the lot within the riparian corridor is protected by a conservation easement or other legally binding instrument approved by the city attorney.

B. Building and parking lot construction, grading and removal of native riparian vegetation shall be prohibited within the designated riparian corridor, except for the following when placed so as to minimize impacts on the riparian corridor, its vegetation and trees, and water quality:

1. A single-family residence on a legal lot of record;
2. Passive park and recreation uses, public facilities necessary to support development on nearby buildable lands and water-related development. (Ord. 536 § 3 Exh. A (part), 1997)

18.70.050 Setback reductions.

In areas that have already been disturbed by development, the planning commission may reduce the riparian area setback by as much as fifty percent, based on a report prepared by a wildlife biologist and a licensed civil engineer, demonstrating that there will be:

A. No net loss in fish and wildlife habitat;

B. No decrease in slope stability; and

C. No long-term decrease in water quality resulting from the development. (Ord. 536 § 3 Exh. A (part), 1997)

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Chapter 18.72 GENERAL ZONING REGULATIONS

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18.72.010 Variances.

A variance is an authorized relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship as used in this title. The variance must not be materially detrimental to the purposes of this title or to property in the same zone or vicinity in which the property is located. The variance must also be consistent with and promote the objectives of the comprehensive plan. A variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts. Variances must be applied for at the office of the city planning commission and must have a public hearing before the city planning commission. (Ord. 343 § 6.85, 1980)

18.72.020 Temporary permits.

Notwithstanding the limitations of use as established by this title in each of the several districts, the city planning commission, after public notice and hearing may issue temporary permits for uses, which because of their unique character and temporary nature are deemed to be suitable and proper temporary uses of land or structures. As condition of issuance, the city planning commission may

attach any conditions they deem necessary for the protection and preservation of property rights and values of adjacent properties. Such permits shall be issued for a specific period of time not to exceed one year. Permits may be renewable after reapplication and review by the city planning commission sixty days prior to expiration. Such permits shall be issued for structures or uses which are of a temporary nature such as:

- A. Storage of equipment during the building of roads, development or logging operations;
- B. Real estate office used for the sale of lots or housing in subdivision, i.e.: tract offices;
- C. Contractor's job sheds used in conjunction with the building of a structure, road, etc.;
- D. Portable sawmills, rock crushers, asphalt batch plants;
- E. Temporary housing, including manufactured homes;
- F. Other uses of a similar temporary nature when approved by the city planning commission. (Ord. 484-Z § 9, 1994; Ord. 343 § 6.86, 1980)

18.72.030 Landscaping.

A. Landscaped yards shall be required in all commercial and industrial zones as a buffer, to protect adjoining residential areas from undue intrusions of noise, light, odors and other deleterious influences. The planning commission shall set the width of the landscaped yard in each case to achieve the necessary protection. Landscaped yards shall also consist of at least:

- 1. One row of deciduous or evergreen trees or a mixture of each; or
- 2. One row of evergreen shrubs spaced not more than five feet apart which shall grow to form a continuous hedge at least five feet in height within one year of planting; and
- 3. Lawn, low-growing evergreen shrubs, evergreen groundcover, vegetables or rock mulch covering the balance of the required landscaped yard.

B. Landscaping shall be continuously maintained in a neat and tidy manner. (Ord. 392 § 3, 1985; Ord. 343 § 6.87, 1980)

18.72.040 Utilities.

Water and sewer for all districts shall be provided by public or approved private systems. Such private systems must be approved by the city planning commission and the Department of Environmental Quality. Plans of such private systems must be shown with the other required material submitted pursuant to the procedure explained under the city planning commission. The purpose of the review by the planning commission is to ensure compatibility with the city systems, orderly growth and the comprehensive plan. (Ord. 343 § 6.88, 1980)

18.72.050 Plan review.

A. Upon request for a building permit or submission of a plan, the city planning commission shall prepare a recommendation for the review.

B. For any building which requires approval of the planning commission for a building permit as specified in Section 18.88.040, the following conditions may be imposed:

- 1. Limit or prohibit openings to structures on sides within fifty feet of a residential district if the openings will cause glare, excessive traffic noises or other adverse effect on adjacent residential areas;

2. Limit access to streets not designated as collector or arterial streets in the comprehensive plan if such streets are residential;
3. Require additional setbacks and planting if deemed necessary. (Ord. 343 § 6.89, 1980)

18.72.060 Nuisances.

The use shall not be objectionable because of any nuisance or pollution, disturbance to television or radio or unsightly structures or other use of the land. (Ord. 343 § 6.90, 1980)

18.72.070 Incomplete right-of-way.

- A. The minimum front or side setbacks, or other setbacks as stated herein, shall be increased where such setback abuts a street having insufficient right-of-way to serve the area.
- B. All streets or roads in the city shall be deemed to have insufficient or incomplete right-of-way if they are presently less than fifty feet in width. When this district is applied to a given area, the city planning commission shall designate the city system of collector and arterial streets, for such area designating the future widths, stating the additional setbacks required for such streets, and adopting said additional setback requirements by reference as part of this title. (Ord. 343 § 6.91, 1980)

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Chapter 18.76 SUPPLEMENTARY DISTRICT REGULATIONS

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18.76.010 Visibility at intersections.

On any corner lot on any intersection where any of the corner lots of such intersection are in a residential district, nothing shall be erected, placed, planted or let to grow between two and one-half to ten feet above the centerline grade so as to materially prevent a motorist, whose head is located at a distance of sixty-five feet from the intersecting centerline, from seeing down the intersecting

street in either direction for a distance of ninety feet from the centerline intersection. In a case where the street centerline intersects at less than a ninety-degree angle then the sign distance shall be ninety feet plus one and one-half feet for every degree less than ninety degrees. (Ord. 343 § 9.0 (1), 1980)

18.76.020 Fences, walls and hedges.

Notwithstanding the provision for visibility at intersections in the residential district, as set out in Section 18.76.010, the limitations for fences, walls railings and hedges shall be as follows:

A. Required Front Yard.

1. No fence, wall, railing or hedge shall exceed a height of forty-two inches above grade.
2. All trees shall be limbed from ground level to a height of forty-two inches.
3. Fences, walls, railings or hedges located behind the required front yard shall not exceed six feet or seventy-two inches in height.
4. No fence, wall, railing or hedge shall exceed a height of forty-two inches above grade when in the public right-of-way adjacent to the front yard.

B. Corner Lot.

1. No fence, wall, railing or mature hedge, located closer than ten feet to the exposed side of a corner lot or in the adjacent public right-of-way shall exceed forty-two inches above grade.
2. Fences, walls, railings or hedges located behind the front yard and ten feet or more from the exposed street side, shall not exceed six feet or seventy-two inches in height.

C. Hazardous Fences.

1. No fence, wall or hedge shall contain barbed wire, electrical current, charge of electricity, broken glass or similar hazardous materials, except under the following conditions:
 - a. Livestock Fences. Where livestock is to be contained, barbed wire and electrical fences are permitted if located five feet within the property line. If an existing fence divides two properties, an electrical or barbed wire fence may be erected on the property line under consent by both property owners.
 - b. Fencing--All Zones. Barbed wire can be used in the fencing of all zones, so long as such barbed wire is located not less than six feet above grade.

D. Exceptions.

1. Height limitation in the front yard, side yard or rear yard, but not in the vision clearance area specified in Section 18.76.010 may be exceeded with authorization by the building inspector upon issuance of a building permit.
2. Height limitation in this section do not apply to fences required by state law, such as laws requiring fences to surround and enclose school grounds, public playgrounds or other public reserve lands.
3. Fences and hedges used for screening or enclosing swimming pools, tool storage area or private patios may exceed six feet above grade in rear yards if considered as comprising an accessory use and meeting building and setback requirements thereof. (Ord. 417 § 5, 1987: Ord. 343 § 9.0 (2), 1980)

18.76.030 Accessory buildings.

No accessory buildings shall be erected on any required yard and no separate accessory building shall be erected within five feet of any other building. (Ord. 343 § 9.0 (3), 1980)

18.76.050 Additional principal structures.

More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that setbacks and other requirements shall be met for each structure as though it were on an individual lot. (Ord 343 § 9.0 (5), 1980)

18.76.060 Height exceptions.

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. (Ord. 343 § 9.0 (6), 1980)

18.76.070 Accessibility--Structures.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. (Ord. 343 § 9.0 (7), 1980)

18.76.080 Accessibility--Rooms.

Every building hereafter erected shall have access by light and air to all rooms by means of a door or openable window unless the building inspector approves otherwise. Buildings in violation shall not be moved. (Ord. 343 § 9.0 (8), 1980)

18.76.090 Vehicle parking and storage.

Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. (Ord. 484-Z § 11, 1994; Ord. 343 § 9.0 (9), 1980)

18.76.100 Off-street parking.

Off-street parking requirements shall be as follows:

- A. Residential single-family, including manufactured homes: two off-street parking spaces for each dwelling unit.
- B. Residential multiple-family: for all dwelling units there shall be two off-street parking spaces per unit.
- C. Residential home: two off-street parking spaces per unit.
- D. Residential facility: one space per employee, including owner(s), on the largest shift plus resident and visitor parking as determined by the planning commission based on anticipated demand.
- E. Industrial: one off-street parking space for every three employees computed on the basis of the greatest number of employees on a single shift, plus one square foot of parking area for each one

square foot of display office or retail sales area, plus one space for each vehicle owned, leased or operated by the company.

F. Commercial, Structural Alterations. All remodeling or new construction of any commercial buildings shall provide on the building site or within two hundred feet of the front, rear or side entrances to such building, the following standards for off-street parking.

1. General business, retail, commercial and personal service establishments, (exclusive of food and drug stores over five thousand square feet of gross floor area): parking area equal to two times the gross floor area. Business less than five thousand square feet: one parking space for each three hundred fifty square feet of gross floor area;
2. Food and drug stores over five thousand square feet: parking space equal to three times the gross floor area;
3. Medical and dental offices: one space for each one hundred fifty square feet of floor area.
4. Business and professional offices (other than medical and dental) with on-site customer service: one space for each four hundred square feet of floor area.
5. Community service: parking area equal to two times the gross floor area. (Ord. 484-Z § 12, 1994; Ord. 435 § 12, 1988; Ord. 392 § 4, 1985; Ord. 343 § 9.0 (10), 1980)

18.76.110 Parking and loading area requirements.

Parking and loading requirements shall be as follows:

- A. All parking areas, except residential parking for six spaces or less shall provide for the turning, maneuvering and parking of the required number of vehicles on the lot.
- B. All areas used for parking and maneuvering of vehicles shall be surfaced with screened gravel, crushed rock or better and shall provide for suitable drainage or surface water on the site.
- C. Artificial lighting which may be provided shall be deflected so as to not shine into adjacent dwellings and so as not to create a hazard to the traveling public on any road.
- D. Each required parking space shall be of usable shape and accessible from a public street. Where access drives are necessary, they shall be no less than twenty feet in width for nonresidential and multiple family developments and no less than nine feet for residences.
- E. Commercial or industrial parking area shall be screened from adjacent residential districts by means of sight-obscuring screens or fences.
 1. Sight-obscuring screening shall be not less than five feet nor more than seven feet in height except that screening within twenty feet of a street shall be not less than two and one-half feet or more than three and one-half feet in height.
 2. Required screening shall be at least eighty percent opaque when viewed horizontally from between two and ten feet above average grade.
 3. Screen plantings shall be of such size as to provide the required degree of screening within twelve months after installation.
 4. Required landscaping, screening and fences shall be continuously maintained.
 5. All areas used for parking, loading and maneuvering of vehicles shall be physically separated from public streets and adjoining property by landscaped yards, bumper rails or another effective and suitable barrier against unchanneled motor vehicle access or egress. The planning commission shall set the width of the landscaped yard in each case to achieve the necessary protection. (Ord. 392 § 5, 1985; Ord. 343 § 9.0 (11), 1980)

18.76.120 Off-street loading.

Sufficient off-street loading facilities will be provided at the time of construction or structural alteration of any business so as not to utilize any public right-of-way for loading or unloading purposes. (Ord. 343 § 9.0 (12), 1980)

18.76.130 Home occupations.

This provision is in recognition of the needs of many people who are engaged in small scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or which, in the nature of the home occupation, cannot be expanded to a full-scale enterprise. A home occupation, as defined in Chapter 18.08, shall be a permitted accessory use in all residential districts provided the following conditions are met:

- A. The use shall be carried on only by members of the family residing on the premises.
- B. The use shall comply with air and noise pollution standards adopted by the Oregon Department of Environmental Quality. In addition, there shall be no offensive vibration, odors, heat or glare as a result of the home occupation noticeable at or beyond the property line.
- C. All aspects of a home occupation shall be contained and conducted within a completely enclosed building, which shall be the same structure as the principal residence or appropriate accessory building.
- D. There shall be no more than one sign, which shall not exceed two square feet in area, and which shall be either placed in a window or attached to the building.
- E. There shall be no display on the exterior of the building, other than the sign mentioned in subsection C of this section, indicating that the building is being used for any purpose other than a dwelling.
- F. There shall be no visible outside storage of materials which are used in the home occupation business.
- G. The building shall retain the characteristics of a residence and the use shall not adversely affect the residential character of the neighborhood.
- H. The home occupation shall not generate an excessive amount of traffic.
- I. The home occupation shall be a secondary use on the premises and shall not occupy more than twenty-five percent of the floor area of one floor of the dwelling, including a private garage, whether attached or detached, and in any case shall not exceed five hundred square feet in area.
- J. Products made or sold shall be disposed of primarily by delivery off the premises to the purchaser.
- K. Customer and client contact shall be primarily by telephone, mail, or off the premises, except for those home occupations which, by their very nature, cannot otherwise be conducted except by occasional contact upon the premises.
- L. Child care, as a home occupation, shall be limited to not more than five children on the premises.
- M. the annual fee for a home occupation permit shall be forty dollars. The following are excepted from the annual fee:
 1. Newspaper delivery by individuals younger than eighteen years of age;
 2. Babysitting, not exceeding five children on a regular basis;
 3. Door-to-door salespersons taking orders for later delivery, for example, representatives of Avon, Fuller Brush, Amway, Knapp Shoes, Shaklee, Mason Shoes, Watkins;
 4. Woodcutters;
 5. Invitational house parties, for example, Tupperware, jewelry, home decorating, Stanley;
 6. Part-time or minor service work not exceeding forty hours per month, for example, sewing alterations, music lessons, home tutoring;
 7. Yard sales;

8. Independent truckers with only one truck. (Ord. 392 § 12, 1985: Ord 343 § 9.0 (13), 1980)

18.76.140 Complaints.

A. Complaints of nonconformance with the home occupation provision shall be dealt with as follows: the planning commission shall review home occupations upon the filing with the city recorder of two written complaints from two separate residences or owners of residences within three hundred feet of the subject property. The complaints shall clearly state the nature of the objection to the home occupation. All such complaints shall be investigated by the city recorder, with assistance from the Oregon DEQ, as necessary. The city recorder shall report the results of the investigation at a regularly scheduled meeting of the planning commission. The complainants and the owner of the occupation shall be mailed written notice of the time, date and place of the meeting.

B. In evaluating the complaints, a variety of factors, including, but not limited to the following, shall be considered:

1. Generation of excessive traffic;
2. Monopoly of on-street parking spaces;
3. Frequent truck deliveries and pickups;
4. Other offensive activities not in harmony with a residential neighborhood, as may be determined by the planning commission.

C. Upon hearing the evidence, the planning commission may approve the existing use, terminate the existing use, or impose appropriate restrictions on the home occupation. The planning commission's determination shall become final fifteen days after the date of the decision, unless appealed to the city council. (Ord. 392 § 14, 1985: Ord. 343 § 9.0 (15), 1980)

18.76.150 Manufacturing for retail sale on the premises.

The custom manufacturing or production of items sold on the premises is permitted as an accessory use in all commercial districts, provided the following conditions are satisfied:

- A. The manufacturing, processing or compounding of products is clearly incidental and secondary to the retail business conducted on the premises;
 - B. The manufacturing, processing or compounding of products does not occupy more than fifty percent of the floor area of the building;
 - C. The manufacturing, processing or compounding of products is not objectionable to neighboring property users or owners due to noise, dust, odor, smoke, vibration or similar reasons;
 - D. No outside storage or on-site disposal of equipment, materials or industrial waste is involved.
- (Ord. 392 § 16, 1985: Ord 343 § 9.0 (17), 1980)

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Chapter 18.80 SIGNS

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18.80.010 Intent.

The purpose of this chapter is to add sign requirements to the several zoning districts for the preservation of the character of the areas, structures and uses; the needs of residential, agricultural, commercial and industrial potential; the need for healthful, safe and convenient use of all lands and the conservation and promulgation of values and resources. (Ord. 343 § 6.92, 1980)

18.80.020 General requirements.

The sign requirements shall be as follows:

- A. Residential and Multifamily Residential. Nonilluminated signs of not more than six square feet pertaining to activity on a property may be erected at a distance of ten feet or more inside a lot line.
- B. Commercial Districts. Electrically lighted signs are permitted provided they shall not be glaring nor located in such a manner as to conflict with traffic-control devices and provided further that their illumination shall be restricted to the property on which they are located. Any sign which is larger than thirty-two square feet in area must be approved by the planning commission. Other provisions and restrictions are as follows:
 1. Signs may not project out over public property beyond six feet, nor closer than two feet from the vertical extension of the curb line.
 2. All signs shall have a vertical clearance of seven and one-half feet above public property.
 3. All signs advertising a business which has been discontinued from active use for a period of thirty days shall be dismantled and removed.
 4. All signs must be structurally in conformance with the Uniform Sign Code.
 5. Regulatory equipment shall be installed in all illuminated signs to prevent interference with radio and television signals.
 6. All signs shall be kept painted and in good repair at all times.
 7. All sandwich type signs shall be no less than three feet high and no higher than four feet and shall not be large enough or placed in a manner which obstructs sidewalks.
 8. No sign shall be placed in such a manner as to hinder or block the view of oncoming traffic.
 9. Signs permitted for conditional uses shall require specific approval of the planning commission. Approval shall be based upon aesthetic appeal and compatibility of the sign with the surrounding property.
 10. Franchised trade mark signs will be allowed.

11. Free standing, roof and wall or projecting signs may be allowed.

12. Commercial signs will not be permitted on utility poles or public sign poles or other locations which may be designated by the planning commission as inappropriate locations for said signs.

13. If a sign is deemed to be unsafe or does not meet the standard set forth in this chapter, the planning commission shall notify the offending party of said violation and take corrective action.

14. Sign permits may be issued at the same time as a business license and the permit fee is included in such license. A copy of the sign ordinance shall be provided at the same time as the business license is issued.

C. Industrial Districts. Electrically lighted signs are permitted provided they shall not be glaring nor located in such a manner as to conflict with traffic-control devices and provided further, that their illumination shall be restricted to the property on which they are located. No larger than thirty-two square feet.

D. Requirements Applicable to All Districts. No sign advertising a business which is not conducted on the premises or a commodity or service which is not the primary product or sale or service on the premises, shall face or be oriented toward any adjoining or abutting residential district within two hundred feet of the premises on which the sign is to be placed. All advertising signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. For the purpose of endorsing political candidates, or advertising fairs, rodeos or similar temporary activities, additional signs may be erected on a property provided such signs will be removed by the property owner within fifteen days following cessation of the activities for which the sign was erected.

E. In addition to the other requirements and restrictions of this chapter, signs located on property fronting a designated scenic tour route, and which are erected and maintained for the purpose of being visible from the scenic tour route, shall be limited to identifying or advertising only those businesses, products, services or other activities that are located on, or are otherwise being conducted on, the same premises. (Ord. 551 § 1, 1999; Ord. 465 § 4, 1992; Ord. 343 § 6.93, 1980)

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Chapter 18.84 NONCONFORMING USES

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18.84.010 Existing buildings or uses.

The lawful use of a building, structure or land existing or active at the effective date of the ordinance codified in this title or amendments thereto may continue although such use does not conform to the regulations contained herein; provided that, if such nonconforming use or activity is abandoned, any future use or activity in or on a structure, building or land shall conform to the regulations of the district in which it is located. (Ord. 343 § 7.0 (1), 1980)

18.84.020 Discontinuance of use.

Discontinuance of a nonconforming use of land, structure or building for a period of thirty days shall be prima facie evidence of intention to abandon. (Ord. 343 § 7.0 (2), 1980)

18.84.030 Change of use.

If no structural alterations are made, a nonconforming use may be changed to another similar nonconforming use or to a use conforming to the district regulations. (Ord. 343 § 7.0 (3), 1980)

18.84.040 Expansion or alteration.

An existing nonconforming building cannot be enlarged or expanded or reconstructed unless it is made to conform to the regulations of this title and of the building code as adopted by the city. (Ord. 343 § 7.0 (4), 1980)

18.84.050 Ordinary maintenance and repair.

Repair of an existing nonconforming building and its equipment or fixtures is permitted provided that the value of the repair does not exceed the assessed value of the building as determined by the county assessor for the year in which the work is done. (Ord. 540 § 1, 1998: Ord. 343 § 7.0 (5), 1980)

18.84.060 Partial nonconformity.

Where a fraction of a building or lot contains a nonconforming use, such use shall not be expanded. (Ord. 343 § 7.0 (6), 1980)

18.84.070 Reconstruction.

If a nonconforming building is destroyed by fire, explosion, act of God or act of the public enemy to the extent of eighty percent of the assessed value, thereafter the land and any development on it shall conform to the regulation of the district in which it is located except as long as the ownership is in the same ownership, within ninety days that person must file a letter of intent to reconstruct, and a building permit issued to reconstruct the nonconforming building, or they must meet the requirements of the existing zone. Building permits are issued for one year. Construction must begin within one year. If progress is being made, an extension can be requested and granted by the planning commission. (Ord. 540 § 2, 1998: Ord. 343 § 7.0 (7), 1980)

18.84.080 Avoidance of undue hardship.

Nothing in this title shall be deemed to require a change in plans, construction or designated use of any building on which actual construction has been carried on diligently. "Actual construction" is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, or where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding. Such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. (Ord. 343 § 7.0 (8), 1980)

18.84.090 Nonconforming lots of record.

In any district in which single-family dwellings (including manufactured homes) are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title notwithstanding limitations imposed by other provisions of this title. This provision shall apply even though such lot fails to meet the requirements for area or width or both, but such lot shall otherwise conform to the regulations of the district in which the lot is located. Variance of setbacks shall be obtained only through action of the city planning commission. No lot shall be subdivided or partitioned in such a manner as to create a lot which does not conform to the standards prescribed by the ordinance codified in this section. (Ord. 540 § 3, 1998; Ord. 484-Z § 13, 1994; Ord. 343 § 7.0 (9), 1980)

18.84.100 Encroachments on property lines--Exception.

Structures may be located within the side yard and rear yard setback area of a lot or parcel that is otherwise required by this title, or may be located across a platted lot or parcel line, when the following circumstances are found to exist, and subject to the following conditions:

- A. The setback area within which the structure is to be located shall abut a lot or parcel which is under the same ownership, and within the same zoning district, as the lot or parcel upon which the structure is to be located;
- B. The city administrator shall have determined that, due to the size, shape or other physical limitation of the lots or parcels, a lot line adjustment, as provided for in Section 17.24.022 of this code, is impractical or impossible; and,
- C. The owner(s) of the property shall execute and record with the Douglas county clerk a deed restriction and covenant to convey both parcels as a single unit of land, thereby recognizing one lot of record. The deed restriction and covenant shall be prepared and recorded in a form which is acceptable to the city administrator. (Ord. 555 § 1, 2000)

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Chapter 18.88 ADMINISTRATION

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18.88.010 Duties and responsibilities of governmental agencies.

To administer and enforce the various provisions of this title there are five elements of government:

A. City Council. This is the legal ruling body of the city and as such, the only one which can adopt or amend ordinances including the ordinance codified in this title. Therefore, it shall be the city council which hears and passes on initiations for amendments and zone changes. This body also shall appoint the planning commission members, the building inspector and the administrator, if any.

B. Planning Commission. The planning commission shall make recommendations on and may initiate zone changes and amendments, as its main function within this title. It will also hear and decide application for conditional uses, variances, temporary permits and special exceptions.

C. Administrator. The city council shall appoint an individual to administer the provisions of this title. He may be the city planner, if there is one, the building inspector or other compensated official. The administrator, among other things, will be expected to coordinate his administration of this title with

the other existing and future planning documents which have jurisdiction in the city. Some of the other duties of the administrator shall be specified in other parts of this title. He, in general, will be expected to seek the fulfillment of the provisions of this title, both general and specific.

D. Building Inspector. Any person intending to build or alter any structure must apply for a permit from the city recorder and with the final approval of the building inspector. No building or alteration of an existing building may legally take place without the approval of the building inspector. His concern in this title will be to scrutinize, recommend and transmit permit applications for conditional uses, variances, temporary permits and special exceptions as well as to familiarize applicants with the ordinance codified in this title and other ordinances.

E. City Attorney. The city attorney shall be the official to seek redress for the city of any violations of this title and will not normally play a part in this title unless a violation occurs. (Ord. 343 § 10.0, 1980)

18.88.020 Building and placement permits.

A. Hereafter, the recorder and the building inspector may issue building permits on their own authority for the following types of projects only:

1. The building of a single-family home which complies with all the regulations for the district it is located in;
2. The repair or alteration of a single-family home provided that such new construction does not violate any district regulations;
3. The repair or alteration of any building, provided that such construction does not, or will not, result in a change of use for that structure, and does not change the basic form of the structure and costs under five thousand dollars and does not violate any district regulations.
4. Manufactured home placement permits pursuant to Chapters 18.32 and 18.34 of this title.

B. All other forms of building and construction fall into one of the following two types:

1. Permitted Uses and Structures and Permitted Accessory Uses and Structures. For all such uses and structures, applications for building permits will be forwarded to the administrator who shall review the application and, if necessary, recommend changes that he feels would be beneficial. Such recommendations are advisory only, and must be made within ten days following the date of application. No public hearing is required.
2. Conditional Uses, Variances, Temporary Permits.
 - a. For all such uses and structures, application forms for zoning and building permits shall be filed with the administrator so that he can review the application and material submitted with it and prepare a report to the planning commission.
 - b. The administrator shall also set a date for a public hearing before the planning commission on the application. This hearing shall take place within forty days after the filing of the application. If a quorum of the planning commission is not in attendance at the scheduled public hearing, the hearing shall be rescheduled at that time for a later date. If a quorum of the planning commission is not in attendance at the rescheduled public hearing, the matter will be heard and decided by the city council at its next regularly scheduled meeting.
 - c. All conditional uses, variances, and temporary permits issued by the planning commission are nontransferable.
 - d. Subsection C of this section shall not be affected by the foregoing provisions set out in this paragraph 2 of this subsection.

C. All applications for building permits of the type requiring review by the administrator or hearing by the city planning commission shall contain or have attached enough plans, specifications and information for either the administrator or the city planning commission and other officials to

accurately ascertain the existing state of the area where the proposed activity will take place and to fully examine the intentions of the applicant. Construction shall be in substantial conformance to plans approved by the city planning commission. The plans shall contain the following information:

- a. Property description;
- b. Building location on the property;
- c. Location of parking and screening of parking in those areas abutting a residential district;
- d. Access to public streets;
- e. Signs. (Ord. 484-Z § 14, 1994; Ord. 477 § 4 (part), 1993; Ord. 430 § 3, 1988; Ord. 392 § 6, 1985; Ord. 343 § 11.0, 1980)

18.88.030 Conditional use, variance and temporary permit-- Application.

A. Application Submittal. Application for a conditional use permit, variance, temporary permit, amendment to this title or amendment to rezone property shall be checked for completeness by the administrator who shall notify the applicant of any missing materials within thirty days of receipt of the application. The applicant shall have one hundred eighty days from the date the applicant was informed what materials were missing to submit the missing materials. The application shall be deemed complete when all required materials are received, when one hundred eighty days have expired since the applicant was notified of the missing material(s) or on the thirty-first day after submittal of any incomplete application if the applicant has submitted a written statement that missing materials will not be submitted.

B. Concurrent Processing. Any applications for discretionary permits applied for under this title or under Title 17 of this code, for one development, at the applicant's request shall be processed concurrently.

C. Time Limit on Decisions. The final decision including any appeals to the city council, on any applications for discretionary permits applied for under this title or Title 17 of this code or any combinations thereof, shall be made within one hundred twenty days of the date of the application(s) is (are) deemed complete. The one hundred twenty days applies only to the decisions wholly within the authority and control of the city and not to plan and land use regulation decisions required to be forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610(1). The one-hundred-twenty-day period may be extended at the request of the applicant.

D. Review. Approval or denial for an application shall be based upon the comprehensive plan and standards and criteria that were applicable for that land use regulation at the time the application was first submitted.

E. An applicant whose application has not been acted upon finally within the one hundred twenty days after the application was deemed complete by the city administrator may seek a writ of mandamus to compel issuance of the permit or zone change application or a determination that the appeal would violate the city's plan or land use regulations. (Ord. 434 § 1 (part), 1988; Ord. 343 § 12.0, 1980)

18.88.040 Conditional use, variance and temporary permit-- Procedure.

A. Intent. It is recognized that there are special uses which, because of their unique characteristics or temporary nature, cannot be properly classified in any particular zoning district without consideration

in each case, of the impact of those uses upon neighboring land and of the public need for the particular location.

B. Procedure.

1. Where the applicant for a conditional use permit, variance or temporary permit merely desires permission to change the use or activity in a certain space or structure, but not make a structural change or initiate new construction, he shall file an application for a permit with the administrator. The application shall be filed in the office of the administrator and shall be accompanied by the filing fee specified in Section 18.88.080.

2. The administrator shall review the application and prepare a report to the planning commission. The administrator shall also set a date for a public hearing before the planning commission on the application. This hearing shall take place within forty days after the filing of the application. In the matter of residential facilities, the approval or denial of the conditional use permit shall be within ninety days after the application is determined complete. The residential facilities application shall also be accompanied by a copy of the state licensing application.

3. If a quorum of the planning commission is not in attendance at the scheduled public hearing, the hearing shall be rescheduled at that time for a later date. If a quorum of the planning commission is not in attendance at the rescheduled public hearing, the matter will be heard and decided by the city council at its next regularly scheduled meeting.

C. Conditional Use. A "conditional use" means a use listed among those classified in any given zone, but permitted to locate only after review by the city planning commission and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities.

D. Variance. It is recognized that the city planning commission may authorize, upon appeal in a specific case, such variances from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship.

E. Temporary Permits. Notwithstanding the limitations of use as established by this title in each of the several districts, the city planning commission may issue temporary permits for uses, which because of their unique character and temporary nature are deemed to be suitable and proper temporary uses of land or structures. As a condition of issuance, the city planning commission may attach any conditions they deem necessary for the protection and preservation of property rights and values of adjacent properties. Such permits shall be issued for a specific period of time not to exceed one year. Permits may be renewable after reapplication and review by the city planning commission sixty days prior to expiration. Such permits shall be issued for structures or uses which are of a temporary nature such as:

1. Storage of equipment during the building of roads, developments or logging operations;
2. Real estate office used for the sale of lots or housing in subdivision, i.e., tract offices;
3. Contractor's job sheds used in conjunction with the building of a structure, road, etc.;
4. Portable sawmills, rock crushers, asphalt batch plants;
5. Temporary housing in connection with above uses;
6. Other uses of a similar temporary nature when approved by the city planning commission. (Ord. 435 § 11, 1988; Ord. 434 §§ 1 (part), 2, 1988; Ord. 430 § 4, 1988; Ord. 392 § 7, 1985; Ord. 343 § 13.0, 1980)

18.88.050 Amendments and rezones.

Whenever public necessity, convenience or general welfare requires, the provisions of this title may be amended.

A. Amendments of this title or of the zoning map may be initiated by:

1. A verified application of one or more owners of property which is proposed to be reclassified;
2. The adoption of a motion by the city council requesting the planning commission to set a matter for hearing and recommendation;
3. A recommendation by the planning commission to the city council.

B. Application, Filing and Forms.

1. The applicant for an ordinance amendment or a rezoning shall make the application on a form that shall be approved by the planning commission, and provided by the administrator. The application shall be filed in the office of the administrator and shall be accompanied by the filing fee specified in Section 18.88.080. No fee shall be required for ordinance amendments and rezonings initiated by the city council or the planning commission.

2. The administrator shall review the application for completeness in accordance with Section 18.88.030, and when the application is deemed complete prepare a report to the planning commission and set a date for a public hearing before the planning commission on the application. This hearing shall take place within forty days after the filing of the application. If a quorum of the planning commission is not in attendance at the scheduled public hearing, the hearing shall be rescheduled at that time for a later date. If a quorum of the planning commission is not in attendance at the rescheduled public hearing, the matter will be heard and decided by the city council at its next regularly scheduled meeting.

3. All members of the planning commission and city council shall disclose at the beginning of the hearing the content of any significant prehearing or ex parte contacts with regard to the matter being heard. Any party to such contact shall be given the opportunity to rebut the substance of the ex part disclosure.

C. Reference to the City Council. At the next ensuing regular meeting of the city council following receipt of the planning commission recommendation or proposed amendments, the council shall set the date for a public hearing. The council may adopt, reject or modify the proposed amendment. Notice of hearing by the city council shall be given as set forth in Section 18.88.070 (C).

D. Action by City Council. The report and recommendations by the planning commission on proposed amendments shall be advisory only and the action by the city council shall be final and conclusive. (Ord. 434 §§ 1 (part), 2, 1988; Ord 392 § 8, 1985; Ord. 343 § 14.0, 1980)

18.88.060 Annexations.

Annexation may be processed under the procedure set forth in ORS Chapter 222. The land must be:

- A. Contiguous with the city limits and within the city's urban growth boundary as designated in the comprehensive plan;
- B. Consistent with and promotes the comprehensive plan, this title and other city ordinances and policies;
- C. Compatible with the rational and logical extension of utilities and roads to the surrounding area;
- D. Such that adequate public facilities and services can reasonably be made available to the annexed property without negatively impacting existing systems and the city's ability to adequately serve all areas within the existing city limits;
- E. All territory which may hereafter be annexed to the city shall be considered to be in the R-1/B district until otherwise classified. (Ord. 434 § 1 (part), 1988; Ord. 343 § 15.0, 1980)

18.88.070 Public hearing.

- A. The planning commission shall hold at least one public hearing on any proposed amendment or rezone within forty days after the filing of the application unless the applicant approves otherwise to the administrator in writing.
- B. Before permission for a conditional use, variance, or temporary permit may be granted, the application therefore must be considered at a public hearing by the city planning commission within forty days after the application therefor, unless the applicant approves otherwise to the administrator, in writing.
- C. Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation and in the local gazette, if any, at least ten days before the hearing. Similar notice shall be given by mailing a written notice not less than ten days prior to the date of the hearing to all property owners of record who reside within one hundred feet of the applicant's property. The applicant shall also be noticed by mail with the time, place and purpose of the hearing.
- D. Mobile home park tenants shall be noticed in writing at least twenty days but not more than forty days prior to the hearing date for a proposed rezone of the park within which they reside. (Ord. 434 §§ 1 (part), 5, 6, 1988; Ord. 392 § 9, 1985; Ord. 343 § 16.0, 1980)

18.88.080 Application fees.

The following nonrefundable fees shall be paid upon the filing of an application. An application not accompanied by the specified fee shall not be accepted.

- A. Amendments and rezones: one hundred dollars;
- B. Minor land partitions: seventy-five dollars;
- C. Variances: fifty dollars;
- D. Conditional uses: fifty dollars;
- E. Temporary permits. (Ord. 434 § 1 (part), 1988; Ord. 392 § 10, 1985; Ord. 343 § 18.0 (part), 1980)

18.88.085 Appeals.

- A. Any person aggrieved by the decision of the planning commission may appeal the decision of the planning commission by filing an appeal with the city recorder within ten calendar days after the planning commission mails or delivers its decision. This time may be lengthened or shortened by the city recorder for good cause but in no event shall the time for appeal be less than seven days from the date the decision is delivered or mailed.
- B. A fee for filing the appeal shall be set by resolution of the city council, but in no event shall the fee exceed that allowed by state law.
- C. City council decisions for discretionary permits or a zone change may be appealed to the land use board of appeals (LUBA). (Ord. 451 § 1, 1990; Ord. 434 §§ 1 (part), 7, 1988; Ord. 392 § 10, 1985; Ord. 343 § 18.0 (part), 1980)

18.88.090 Liability.

The granting of approval of any structure or use shall not constitute a representation, guaranty or warranty of any kind or nature by the city or any official or employee thereof or the practicality or

safety of any structure or use proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result thereto. (Ord. 434 § 1 (part), 1988; Ord. 343 § 20.0, 1980)

18.88.100 Revocation of permit.

A. Approved variances, conditional use permits, sign permits, fence permits and all other permits regulated by this section (hereinafter called “permits”) may be revoked by the permit-issuing authority if the permit recipient fails to develop or maintain the property in accordance with approved plans or in accordance with the requirements of this section or any additional requirements or conditions lawfully imposed by the planning commission or city council.

B. Before a permit may be revoked, the city recorder shall first give the permittee, or current owner of the property if different than the permittee, ten days’ advance notice of the city’s intent to revoke the permit and shall inform the permittee or property owner of the alleged reasons for the revocation and of his right to a public hearing on the allegations to show cause why the permit should not be revoked. If a hearing is requested, a hearing date shall be set before the permit-issuing authority and notice shall be given in accordance with the requirements of this section.

1. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection A of this section shall be upon the party advocating revocation of the permit.

2. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion and the city recorder shall provide to the permittee a written statement of the decision and the reasons therefor.

C. No person may continue to make use of land or buildings in the manner authorized by permit after such permit has been revoked in accordance with this section.

D. Any person aggrieved by the actions authorized by this section shall have recourse to the same appeal rights provided for in Section 18.88.085. (Ord. 533 § 1, 1997)

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[Title 18 ZONING](#)

Chapter 18.92 VIOLATION--PENALTY

[18.92.010 Violation--Penalty.](#)

18.92.010 Violation--Penalty.

Violations of the provisions of this title or any amendments thereto or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as provided by the statutes of the state for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense. (Ord. 434 § 1 (part), 1988; Ord. 343 § 19.0, 1980)

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[Title 18 ZONING](#)

Chapter 18.96 TEMPORARY PERMIT

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18.96.010 Purpose.

When a family hardship exists because a medical condition which, is caused by handicap or infirmity or relates to a person otherwise incapable of maintaining a separate residence, the planning commission may authorize the placement of a manufactured home on a lot in addition to a principal residence. The planning commission may permit the use of a recreational vehicle as a hardship dwelling unit, when in the judgment of the planning commission, such unit will be reasonably safe for such occupancy. The conditions shall be the same as for a manufactured home except Section 18.96.040(C)(5) exhibit the "Oregon Department of Commerce Insignia of Compliance," which does not apply to recreational vehicles. Such authorizations shall be considered similar to conditional use permits and the hearings body shall attach conditions to approval as it may deem necessary to assure minimum of adverse impact on neighboring properties. (Ord. 581 § 1, 2006)

18.96.020 Application.

Requests for a temporary hardship dwelling unit permit must be submitted on a completed land use application form which shall include the names and addresses, and telephone numbers of the property owner, the resident if different from the owner, the applicant if different from the owner or resident, the proposed occupant of the mobile home and their relationship to the resident, and the estimated period of time that the hardship will necessitate the use of the mobile home. Property information and a site plan will also be required.

The applicant is also required to file with the permit application a written statement describing any infirmity, debility or other reason why the additional dwelling is necessary. Reasons for not utilizing the existing residence for such accommodation must be included. The applicant must arrange for a

physician to submit a written statement detailing the medical necessity for such an accommodation and stating why the person with the handicap or infirmity is incapable of maintaining a separate residence.

The hearings body may require the applicant to provide other such evidence deemed necessary for just consideration of the request. (Ord. 581 § 2, 2006)

18.96.030 Expiration and reapplication.

A. The temporary permit shall expire upon termination of the hardship or one year from the date of issuance whichever comes first. Renewals of the permit will require reapplication in writing to the city recorder two months prior to the expiration date. Reapplication will not require a site plan provided no significant changes have occurred to the property layout since the original application was approved.

B. For reapplications or where the planning commission has reason to believe the terms of the permit have been violated or there are other adverse impacts to the neighborhood, notice shall be sent to property owners. If:

1. Written objections are received;
2. The planning commission or the applicant so desire; or
3. Two years have elapsed since the last hearing.

the matter shall be scheduled for public hearing.

C. The Permits are Not Transferable. If ownership of the property is transferred or the occupant changes, the permit is void. If the person who is the subject of the hardship relocates, the permit is void and a new application must be submitted for any new hardship or any new location.

D. The temporary dwelling unit must be removed within thirty days of the expiration of the permit.

E. The planning commission may revoke a temporary permit when in the judgment for the planning commission the conditions necessitating the second dwelling no longer exist, the terms or conditions of the permit have been violated, the use has not complied with other applicable city or state regulations, or the application was misrepresented. Before the planning commission may act on such a revocation, it shall hold a public hearing. Within five days after a decision has been rendered to revoke the permit, the city recorder shall provide the property owner with written notice of the decision of the commission. Occupants of the second dwelling shall have thirty days to vacate the unit, and the second dwelling shall be removed from the property within forty-five days of the date of the planning commission decision. Continual existence of the second dwelling on the property after the expiration of these periods shall constitute a violation of the Canyonville zoning ordinance. (Ord. 581 § 3, 2006)

18.96.040 Standards and conditions.

A. The person(s) residing in the additional dwelling shall be member(s) of the immediate family of the resident(s) of the permanent residence.

B. There shall be no compensation involved in the hardship case. The property resident may employ or arrange for the services of others from time to time during periods of absence. It must be demonstrated to the planning commission, however that the family members will be principally responsible for services to the dependent.

C. The manufactured home shall:

1. Meet the requirements of and be approved by the building department;
2. Be connected to the public sewer and water systems as directed by the director of public works

and shall pay fees for such connections as required by city ordinance;

3. Have a permanent electrical installation;

4. Meet all setbacks and coverage requirements pertaining to the zone and shall be a minimum of six feet from the main building and all other buildings;

5. Be manufactured after June 15, 1976, and exhibit the "Oregon Department of Commerce Insignia of Compliance";

6. Not be structurally connected to the principal residence;

7. Have skirting as required by Section 18.32.010(8);

8. Be placed on the lot in conformance with Section 18.32.010(1);

9. Not be permitted in the historic special district as required in Section 18.32.010(10).

D. The manufactured home and accessory building foundations, pads, and support blocking shall be sufficient strength to support the required live-loads and actual dead-loads imposed by the manufactured home and any attached or supported structure based on accepted engineering design standards. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, up-lift and overturning and wind forces on the manufactured home and any attached or supported structures based on accepted engineering design standards.

E. One additional parking space is required to accommodate the temporary additional dwelling.

F. The applicant shall sign a notarized statement that the second dwelling shall be removed from the property upon termination of the need or allowed period of time. The applicant shall also sign a consent for periodic review of the use by city staff, including inspection of the property, if necessary. (Ord. 581 § 4, 2006)

[18.96.050 Permit to be a deed restriction.](#)

The requirements of this chapter and any conditions imposed by the planning commission shall be recorded with the county clerk and made a deed restriction. This shall be required prior to installation of the additional dwelling. (Ord. 581 § 5, 2006)

[18.96.060 Appeals procedure.](#)

An affected party, as defined in the Canyonville land use and development ordinance, may appeal in accordance with Section 18.88.085. (Ord. 581 § 6, 2006)

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[Title 17 SUBDIVISIONS](#)

Chapter 17.44 VIOLATION--PENALTY

[17.44.010 Designated.](#)

17.44.010 Designated.

In addition to penalties provided by state law, any person who violates or fails to comply with any provisions of this title shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than ninety days, or both, for each day during which the violation continues. (Ord. 344 § 39, 1980)

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