



# CITY OF REEDSPORT

## PLANNING DEPARTMENT

451 Winchester Avenue

Reedsport, OR 97467-1597

Phone (541) 271-3603 | Fax (541) 271-2809

Thursday, December 15, 2016

### NOTICE OF PUBLIC HEARING

**This is to notify you that the City of Reedsport has proposed a land use regulation that may affect the permissible uses of your property and other properties.**

**On Monday, January 23, 2017, at 6:00 pm, the Reedsport Planning Commission will hold a public hearing regarding Planning Department File No. 16-008.** The public hearing will be held in the Reedsport City Council Chambers at 451 Winchester Avenue, Reedsport, Oregon. The City of Reedsport has determined that adoption of this ordinance may affect the permissible uses of your property, other properties in the affected zone, and may change the value of your property.

**PROPOSAL:** The proposal is a legislative text amendment to the Reedsport Land Usage Ordinance (RLUO), Chapters 10.64, 10.72, 10.76, and 10.96 in order to add provisions for beekeeping, short-term rental, and vacation rental uses. The proposal also includes updates to sections of the RLUO regulating marijuana facilities/uses, residential accessory structures, extensions of time, and sign provisions for uses in the CMU zone. A list of the proposed changes can be found on the backside of this notice.

**SUBMISSION OF TESTIMONY:** Testimony may be submitted in written or oral form. Testimony and evidence must be directed toward the criteria described below or any land use regulation which is believed to apply to the decision.

The hearing will be conducted in accordance with Reedsport Land Usage Ordinance Chapter 10.112. Persons who wish to participate can either file a written statement no later than 5:00 p.m., Friday, January 13, 2017, or appear in person at the hearing. Written responses should include, at a minimum, the following information:

1. Name of the applicant and type of request (as identified at the top of this notice)
2. Your name, address, and telephone number.
3. What your affiliation is to the application (i.e., how the application directly or indirectly affects you).
4. A brief statement of reasons for supporting or opposing the request.
5. Whether or not you wish to appear and be heard at the hearing.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the approving authority and the applicant an opportunity to respond to the issue preclude appeal based on that issue.

**APPLICABLE CRITERIA:** The following criteria apply to this application.

- Chapter 10.100 "Amendments" of the Reedsport Land Usage Ordinance.
- Chapter 10.108 "Administrative Provisions" of the Reedsport Land Usage Ordinance.
- Reedsport Comprehensive Plan Elements: Citizen Involvement and Economic
- ORS 197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission.
- ORS 227.186 Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost.

**APPLICATION MATERIALS & REPORTS:** A complete copy of the amendment materials is available on the City's website or at Reedsport City Hall. A copy of the file is also available for purchase at a cost of \$0.25 per page. A copy of the staff report will be available for inspection at no cost seven (7) days prior to the hearing and will be available for purchase at a cost of \$0.25 per page. For additional information concerning Planning Department File No. 16-008, contact the Planning Department at 541-271-3603 or e-mail Sarai Plotz, Planning Secretary at [splotz@cityofreedsport.org](mailto:splotz@cityofreedsport.org).

## Legislative Amendments Proposal

RLUO section	Change Type	Description of change
<b>Vacation and short-term rental provisions</b>		
10.64.030 Definitions	ADDITION	Add definition for short-term rental
10.64.030 Definitions	ADDITION	Add definition for vacation rental
10.72.010 (RA) Rural Suburban Residential zone	ADDITION	Add short-term rental and vacation rental as conditionally permitted uses.
10.72.020 (R1) Single-Family Residential zone	ADDITION	Add short-term rental and vacation rental as conditionally permitted uses.
10.72.050 (R2) Multifamily Residential zone	ADDITION	Add short-term rental and vacation rental as conditionally permitted uses.
10.72.060 (C1) Commercial Transitional zone	ADDITION	Add short-term rental and vacation rental as conditionally permitted uses.
10.72.070 (C2) Commercial zone	ADDITION	Add short-term rental and vacation rental as permitted uses.
10.72.085 (CMU) Commercial Mixed-Use zone	ADDITION	Add short-term rental and vacation rental as permitted uses.
<b>Beekeeping provisions</b>		
10.64.030 Definitions	ADDITION	Add definitions for bee, beehive, bee colony, beekeeper, and beekeeping.
10.72.010 (RA) Rural Suburban Residential zone	ADDITION & DELETION	Add beekeeping as a conditionally permitted use. Strike beekeeping from the list of permitted uses in the RA zone.
10.72.020 (R1) Single-Family Residential zone	ADDITION	Add beekeeping as a conditionally permitted use.
10.72.050 (R2) Multifamily Residential zone	ADDITION	Add beekeeping as a conditionally permitted use.
10.72.180 (AR) Agricultural Resource	ADDITION	Add beekeeping as a conditionally permitted use.
<b>Residential accessory structures provisions</b>		
10.64.030 Definitions	MODIFICATION	Amend the definition of “accessory use or accessory structure” to provide limitations on the size and height.
10.72.020.B.3 (R1) Single Family Residential zone	MODIFICATION	Replace “building site” with “property” to more clearly identify where accessory structures are allowed to be placed.
<b>Extension of time provisions</b>		
10.92.050 Time limit on a permit for variance	MODIFICATION	Grant the Planning Director the authority to approve extension requests, rather than the Planning Commission.
10.96.050 Time limit on conditional uses	MODIFICATION	Grant the Planning Director the authority to approve extension requests, rather than the Planning Commission.
<b>Marijuana uses/facilities provisions</b>		
10.64.030 Definitions	MODIFICATION	Strike the word “grow” from the term “Marijuana Grow Facility” and remove the provision that prohibits these uses at the same location as a dispensary.
10.72.085 (CMU) Commercial Mixed Use zone	MODIFICATION	Modify the term “Marijuana grow site(s)” to read “marijuana facility”.
10.72.090 (M1) Light Industrial zone	MODIFICATION	Modify the term “Marijuana grow site(s)” to read “marijuana facility”.
10.72.100 (M2) Heavy Industrial zone	MODIFICATION	Modify the term “Marijuana grow site(s)” to read “marijuana facility”.
10.76.035 Marijuana dispensaries	DELETION	Strike any references related to marijuana facilities being prohibited at the same location as a dispensary.
<b>Sign provisions for uses within the (CMU) Commercial Mixed Use zone</b>		
10.76.040.K Signs	ADDITION	Add “(CMU) Commercial Mixed use” to the provisions that regulate signs within Commercial Districts.

## AMENDMENTS PERTAINING TO MARIJUANA USES

### 10.64.030 Definitions.

"Marijuana ~~Grow~~ Facility" means a facility or laboratory that grows, produces, processes, prepares and/or wholesales marijuana as provided by state law. ~~A grow facility or laboratory cannot be located on the same site as a Marijuana Dispensary.~~

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### 10.72.085 (CMU) Commercial mixed-use zone.

- A. Purpose. To implement the Reedsport Waterfront and Downtown Plan by providing for a wide range of employment and residential uses close to the waterfront and downtown core.
- B. Uses Permitted Outright. In the CMU Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this section:
  - 1. Residential Buildings and Uses:
    - a. Condominiums.
    - b. Multifamily dwellings and townhouses.
    - c. Single family/multifamily dwellings located above a commercial use.
  - 2. Commercial Buildings and Uses:
    - a. Antique shop.
    - b. Art shop—Gallery, studio, supplies.
    - c. Book store.
    - d. Business and professional offices.
    - e. Clubs, lodges and assembly halls.
    - f. Delicatessen.
    - g. Gift shop.
    - h. Grocery store limited to two thousand five hundred (2,500) square feet.
    - i. Handicraft shop.
    - j. Hotel, motel.
    - k. Laundromat.
    - l. Medical and dental clinics.
    - m. Mercantile.
    - n. Novelties and curious shop.
    - o. Pharmacy.
    - p. Photography gallery.
    - q. Places of amusement such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science.
    - r. Pottery sales.

- s. Public and semipublic buildings and uses.
  - t. Restaurant.
  - u. Sporting goods, retail.
  - v. Temporary mobile commercial uses such as vendors.
  - w. Other uses similar to the above.
3. Industrial Buildings and Uses. Industrial uses are to be primarily conducted within a building or structure and only be allowed if the use does not emit: continues, frequent or repetitive noises or vibrations; or, noxious or toxic fumes, odors or emissions.
- a. Brewery, distillery or winery.
  - b. Building supply store less than twenty thousand (20,000) square feet in size.
  - c. Light fabrication and repair shops.
  - d. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, electronic and communications components and supplies, leather and leather products, lumber and wood products, building specialties, objects or specialty items, perfumes, toiletries, soft drinks, food products, except for fish, sauerkraut, vinegar, yeast and rendering of fats and oils.
  - e. Wholesale business sales room.
- C. Uses Permitted with Standards.
- 1. Preexisting or lawfully established uses existing on January 1, 2013.
  - 2. Temporary uses.
  - 3. Cluster Box Unit placement may be allowed as provided for in section 10.76.075.
  - 4. Marijuana Dispensaries as specified in Section 10.76.035.
- D. Buildings and Uses Permitted Conditionally. In the CMU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Chapter 10.96.
- 1. Residential Buildings and Uses:
    - a. One (1) single family dwelling where adjacent properties within a one hundred (100) feet are predominately developed with uses other than single family dwellings.
  - 2. Commercial Buildings and Uses:
    - a. Veterinary Clinic provided the use shall be conducted wholly within enclosed structures and there shall be no outside animal runs.
  - 3. Industrial Buildings and Uses:
    - a. Marijuana ~~grow sites~~facilities, provided that the marijuana grow ~~site~~facility is:
      - i. Not located at the same site as a registered marijuana dispensary;
      - ii. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.
- E. Property Development Standards.

1. Area: No Standard established.
2. Coverage: Full coverage is allowable.
3. Setbacks:
  - a. Front Yard: Front yards shall not be required, except for buildings fronting onto Greenwood Ave. or Rainbow Plaza (Street) as follows:

Building Orientation. Where a new building or major remodel of existing building is proposed fronting on Greenwood Ave. or Rainbow Plaza (Street) is shall be placed within ten (10) feet of said street right-of-way and have primary entrance(s) oriented towards the street.

"Fronting" for the purposes of this section means facing or abutting a public right-of-way, not an alley.

- b. Side Yard: Side yards shall not be required; except that where side yards are created they shall be a minimum of three (3) feet.
  - c. Rear Yard: No structural development shall be allowed within ten (10) feet of the centerline of an alley.
4. Height: No structure shall exceed a height of forty-five (45) feet.
5. Signs: Signs shall be allowed as specified in Section 10.76.040.
6. Parking: Parking shall be provided as specified in Section 10.76.020, except that the Community Development Planner may reduce the number of required automobile parking spaces, as follows:
  - a. A reduction of one (1) off-street parking space is permitted for every one (1) space of on-street parking\* abutting the subject site; and
  - b. A reduction of one (1) off-street parking space is permitted for every two (2) bicycle parking spaces (e.g., one (1) U-style rack) provided on or adjacent to the subject site, not to exceed a total reduction of two (2) automobile parking spaces.
  - c. Off-street parking shall not be placed between any new building and the street right-of-way for Greenwood Avenue or Rainbow Plaza (Street).

\* "On-street parking space" for the purpose of this section means a surfaced area within the public street right-of-way of not less than twenty-two (22) feet in length by eight (8) feet in width that is approved by the roadway authority for parking.

- F. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028.

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### **10.72.090 (M-1) Light industrial zone.**

- A. Purpose. To provide areas suitable and desirable for secondary manufacturing and related establishments and more intense commercial use with limited external impact.
- B. Uses Permitted Outright. No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or maintained, except for the following uses:
  1. Accessory buildings and uses normally associated with buildings permitted outright and conditionally;

2. Any use permitted in the C-3 and C-2 zone (excluding marijuana facilities and C-1 uses), subject to regulations of C-3 and C-2 zones;
  3. Building supply stores less than twenty thousand (20,000) square feet in size;
  4. Implement, machinery, heavy equipment and truck repair;
  5. Kennels;
  6. Laboratories (research, development, testing);
  7. Light fabrication and repair shops such as cabinet, electric motor, heating, machine, sheet metal, auto body and welding;
  8. Manufacture of electric, electronic, precision components or optical instruments;
  9. The manufacturing, compounding, processing, packaging or treatment of such products as apparel and other finished products made from fabric and similar materials; cosmetics; drugs, electronic and communications components, systems, equipment and supplies; high technology components; leather and leather products; lumber and wood products; paper and allied products; precision testing, medical and optical goods; perfumes; toiletries; objects or decorative items; novelties; millwork; sporting goods; building specialties; signs; food, beverage and related products except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils;
  10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;
  11. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
  12. Storage buildings or warehouses, freight and truck terminals;
  13. Transportation and freight yards and terminals;
  14. Veterinary clinic;
  15. Wholesale business salesrooms;
  16. Wholesale trade.
- C. Uses Permitted Conditionally.
1. Firing ranges;
  2. Residential quarters, (including mobile home for watchman's quarters), as a secondary use;
  3. Building supply stores exceeding twenty thousand (20,000) square feet in size;
  4. Marijuana ~~grow sites~~facility, provided that the marijuana grow ~~site~~facility is:
    - a. Not located at the same site as a registered marijuana dispensary;
    - b. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.
- D. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.
- E. Area. Percent of coverage. Full coverage is allowable, providing minimum parking space, servicing space and setbacks have been provided.
- F. Building Setback Requirements.

1. Front Yard. Front yards shall not be required except where specified setbacks are established for road widening purposes.
  2. Side and Rear Yards. Side or rear yards shall not be required, but if the side or rear yards are created, they shall be a minimum of five (5) feet.
- G. Height. No structure shall exceed a height of fifty (50) feet.
- H. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.
- I. Signs. Signs shall be allowed as specified in Section 10.76.040.
- J. Storage. All storage kept in conjunction with outright and conditional uses where abutting commercial and residential zones shall provide adequate screening such as fencing, walls or site-obscuring landscaping, all of which shall be maintained.
- K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028.
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#### **10.72.100 (M-2) Industrial zone.**

- A. Purpose. To provide areas suitable and desirable for medium and heavy industrial development and uses free from conflict with commercial, residential and other non-compatible land uses.
- B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses which are permitted subject to special provisions and regulations of this division:
1. Accessory buildings and uses normally associated with uses permitted outright and conditionally;
  2. Any manufacturing, processing, repair, research, testing, assembly, wholesale or storage uses;
  3. Any use permitted in the M-1 zone (excluding C-2 uses), subject to regulations of the M-1 zone;
  4. Bottling works;
  5. Cement concrete batching plants and the manufacture and sale of concrete products;
  6. Collection, packaging, storage and reprocessing of recyclable materials such as newspaper, cardboard, glass, metal, plastic or oil;
  7. Contractor's equipment storage yards;
  8. Freight and truck yards or terminals;
  9. Laundry, cleaning and dyeing works, carpet and rug cleaning;
  10. Lumber yards, retail, including mill work;
  11. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;
  12. Plumbing and sheet metal shops;
  13. Poultry or rabbit killing and processing;

14. Public buildings and structures such as fire stations, substations, pump stations, reservoirs, public utility facilities and government buildings;
  15. Wholesale business, storage buildings, warehouses and bulk fuel storage facilities.
  16. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.
- C. Uses Permitted Conditionally.
1. Auto wrecking yards;
  2. Firing ranges;
  3. Residential quarters, (including mobile home for watchman's quarters), as secondary use;
  4. Marijuana ~~grow sites~~facility, provided that the marijuana grow ~~site~~facilities is:
    - a. Not located at the same site as a registered marijuana dispensary;
    - b. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.
- D. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.
- E. Area. Percent of coverage. Full coverage is allowable providing minimum parking space, servicing space and setbacks have been provided.
- F. Building Setback Requirements.
1. Front Yard. No front yard will be required.
  2. Side and Rear Yards. Side or rear yards will not be required, but if side or rear yards are created, they shall be a minimum of five (5) feet.
- G. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.
- H. Signs. Signs shall be allowed as provided in Section 10.76.040.
- I. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed a maximum of fifty (50) feet in height.
- J. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028.

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#### **10.76.035 Marijuana dispensaries.**

- A. Purpose. The purpose of this section is to minimize any adverse public safety and public health impacts that may result from allowing marijuana dispensaries in the City, by adopting particular time, place and manner requirements and a separate permitting process for both medical and recreational dispensaries.

This section does not apply to marijuana ~~grow sites~~facilities, as defined in [Chapter 10.64](#).

- B. Minimum Standards. All marijuana dispensaries shall possess the required state and local licenses, including a current City of Reedsport Dispensary Operators license. In addition to obtaining the appropriate licenses and permits, the person responsible for a dispensary shall ensure that the following standards are also being met:
1. Medical Marijuana Dispensary. Medical marijuana dispensaries shall not be located:



~~a.— At the same site as a registered marijuana grow site;~~

a.b. Within one thousand (1,000) feet of a property comprising a school (including nursery school) that is primarily attended by minors, as defined by the Oregon Health Authority;

b.e. Within one thousand (1,000) feet of another property containing a medical marijuana dispensary in possession of a City of Reedsport Dispensary Operator license:

◆ For the purpose of this section "within one thousand (1,000) feet" means a straight line measurement in a radius extending for one thousand (1,000) feet or less in every direction from any point on the boundary line of the real property comprising an existing school;

d. Within two hundred (200) feet of a City park; and

◆ For the purpose of this section "within two hundred (200) feet" means a straight line measurement in a radius extending for two hundred (200) feet or less in every direction from any point on the boundary line of the real property of Barron, Centennial, Champion, Henderson and Lion Parks;

e. Within twenty-five (25) feet of the public library property and shall not have a storefront or public access facing the public library;

2. Recreational Marijuana Dispensary. Recreational marijuana dispensaries shall not be located:

~~a.— At the same site as a registered marijuana grow site;~~

a.b. Within one thousand (1,000) feet of a property comprising a school (including nursery school) that is primarily attended by minors, as defined by the Oregon Liquor Control Commission;

b.e. For the purpose of this section "within one thousand (1,000) feet" means a straight line measurement in a radius extending for one thousand (1,000) feet or less in every direction from any point on the boundary line of the real property comprising an existing school;

c.d. Within two hundred (200) feet of a City park; and

◆ For the purpose of this section "within two hundred (200) feet" means a straight line measurement in a radius extending for two hundred (200) feet or less in every direction from any point on the boundary line of the real property of Barron, Centennial, Champion, Henderson and Lion Parks;

d.e. At the same site as a medical marijuana dispensary in possession of a City of Reedsport Dispensary Operator license:

e.f. Within twenty-five (25) feet of the public library property and shall not have a storefront or public access facing the public library;

3. No dispensary shall front a Residential zone;

4. Primary entrances shall not be located facing an alleyway-;

5. Primary entrances must be located on street-facing facades and clearly visible from a street;

6. No marijuana or paraphernalia shall be displayed or kept in a dispensary so as to be visible from the outside of the licensed premises, including views through doorways, windows, and other openings;

7. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures in the immediate neighborhood, so as not to cause blight;
  8. Parking lots, primary entrances, and exterior walkways shall be sufficiently illuminated to provide after-dark visibility to employees and patrons;
  9. Drive-through marijuana dispensaries are prohibited;
  10. A marijuana dispensary must operate from a permanent structure and may not be mobile in nature (i.e., operated from a motor vehicle, cargo container, trailer, RV, tent, or similar type of structure or vehicle);
  - ~~11. Must not manufacture or produce any extracts, oils, resins or similar derivatives of marijuana on-site and must not use open flames in the preparation of any products;~~
  - 11~~12~~. Marijuana and tobacco products must not be inhaled (smoked or vaporized), ingested (orally, sublingually or rectally), topically applied or otherwise consumed, in any manner that creates any pharmaceutical effect or chemical includes on a person while on the premises of the dispensary;
  - 12~~13~~. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the dispensary must be in effect at all times;
  - 13~~14~~. The dispensary must utilize an air filtration and ventilation system which to the greatest extent feasible confines all objectionable odors associated with the dispensary to the premises for the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected;
  - 14~~15~~. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
  - 15~~16~~. Outdoor storage of merchandise, raw materials or other material associated with the dispensary is prohibited; and
  - 16~~17~~. Hours of operation for a marijuana dispensary are limited to Monday through Saturday from 9:00 a.m. to 7:00 p.m. and on Sunday from 9:00 a.m. to 5:00 p.m.;
- C. Signage. All marijuana dispensaries shall meet the sign standards as prescribed in Section 10.76.040 and the sign standards contained herein:
1. The proposed development shall display no signage or advertisement that is visible outside of the store, which contains any of the following:
    - a. Photos or illustrations of any parts of the marijuana plant; or
    - b. Photos or illustrations of minors in the same frame as any words, logos, or photos intended to mean or replace the word marijuana.

## ADDITION OF BEEKEEPING PROVISIONS

### 10.64.030 Definitions

“Bee” is any stage of the common domestic honey bee, Apis mellifera.

“Beehive or Hive” is a structure in which bees are kept, typically in the form of a dome or box.

“Bee colony or Colony” is a hive and related equipment and appurtenances including bees, comb, honey, pollen, and brood.

“Beekeeper” is a person who raises honeybees; apiculturist.

“Beekeeping” is the keeping, rearing and breeding of honeybees; apiculture. At a minimum, beekeeping uses shall meet the following requirements:

1. Based on the size of the property, the following number of hives are permitted:
  - a. Less than one acre: a maximum of three hives.
  - b. One to two acres: a maximum of six hives
  - c. More than two acres: An additional three hives per acre are permitted.
2. A beekeeper who owns five or more hives is required by the State of Oregon to register them with the Oregon Department of Agriculture.
3. The beehives must be isolated from public access by a security fence.
4. Hive entrances shall face away from the nearest lot line.
5. Only docile common honey bees shall be permitted. African honey bees or any hybrid thereof are prohibited.
6. A person may not keep a hive that causes a threat to human or animal health or interferes with normal use and enjoyment of public or private property.

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### 10.72.010 (R-A) Rural suburban zone—Low density.

- A. Purpose. To provide low density larger suburban type residential developments.
- B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:
  1. A single family dwelling or duplex;
  2. Accessory buildings on the rear half of the building site used as garages, storerooms, woodsheds, workshops, laundries, greenhouses, poultry houses, animal shelters or similar and related accessory uses for which a conditional use has been granted, provided, however, that there shall be not more than four (4) buildings allowed as accessory to any single-family dwelling;
  3. Churches, provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A parsonage,

(freestanding or attached to a church by a vestibule), shall be considered as a residential structure;

4. Crop cultivation or farm and truck gardens, including wholesale plant nurseries;
5. Minor home occupations;
6. Hospitals, provided that any buildings used for hospital purposes shall provide and maintain a setback of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback;
7. Manufactured home subject to standards in Section 10.76.050;
8. Planned unit developments subject to standards in Section 10.72.130;
9. Privately operated day care facilities provided the residential character of the building is maintained;
10. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
11. Residential care homes and residential care facilities;
12. Schools (elementary, junior high and high); provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots. Alleys contiguous to or within the property being used for school purposes may be included in the required setback.
13. The hatching and raising of poultry and fowl, the raising of rabbits, bees and the like and the keeping of domestic animals except swine, as an incidental use, provided that:
  - a. Cows, horses, sheep or goats cannot be kept on lots having an area of less than twenty thousand (20,000) square feet, and under no circumstances shall they be kept for commercial purposes. The total number of all such animals (other than their young under the age of six (6) months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed:

Horse	20,000 sq. ft.
Cow	20,000 sq. ft.
Goat or sheep	20,000 sq. ft.

- b. The number of chickens, fowl and/or rabbits (over the age of six (6) months) shall not exceed one (1) for each five hundred (500) square feet of property; provided that no roosters over the age of six (6) months shall be kept. The number of young chickens, fowls and/or rabbits (under the age of six (6) months) allowed on the property at any one (1) time shall not exceed three (3) times the allowable number of chickens fowl, and/or rabbits over the age of six (6) months,
    - c. ~~The number of colonies of bees allowed on a lot shall be limited to one (1) colony for each one thousand (1,000) square feet of lot area,~~

- d. Animal runs or barns, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line nor closer than fifty (50) feet from any residence,
  - e. Animals, chickens and fowl shall be properly caged or housed and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.
14. When an R-A zoned area is reclassified to another zone as hereinafter listed, all those land uses granted under this section shall be completely discontinued within a period of six (6) months from the date of reclassification.
  15. Forest uses, including the propagation and harvesting of forest products and ancillary uses consistent with State Forest Practices Act.
- C. Uses Permitted with Standards.
1. Temporary uses;
  2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.
- D. Uses Permitted Conditionally.
1. Accessory dwelling unit subject to standards in Section 10.72.040;
  2. [Beekeeping](#);
  3. Major home occupations;
  - ~~3~~4. Assisted living facility;
  45. Parks, playgrounds, golf courses or community centers.
- E. Parking Requirements. Parking shall be provided as specified under Section 10.76.020.
- F. Signs. Signs shall be provided as specified under Section 10.76.040.
- G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2½) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.
- H. Area.
1. Size of Lot. Residential lots shall have a minimum average width of seventy (70) feet and the minimum lot area per dwelling shall be twenty thousand (20,000) square feet, except that where a lot has an average width of less than seventy (70) feet and an area of less than twenty thousand (20,000) square feet at the time the ordinance codified in this chapter became effective, such lot may be occupied by any use permitted in this section.
  2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40) percent of the lot area.
- I. Building Setback Requirements.
1. Front Yard. No structure shall be located less than fifteen (15) feet from the property line.
  2. Side Yards. On interior lots and the interior side of corner lots there shall be a side yard on each side of the main building of not less than five (5) feet on one (1) side and eight (8) feet on the other side. On corner building sites no building shall be closer than fifteen (15) feet to the property line.

3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.
  - J. Vision Clearance. Vision clearance shall be provided as specified under Section 10.76.080.
  - K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028.
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**10.72.020 (R-1) Single-family residential—Medium density.**

- A. Purpose. To provide a quality environment for medium density single-family residences, duplexes and other compatible land uses determined to be desirable and/or necessary.
- B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:
  1. A dwelling arranged, intended and designated exclusively for one (1) family;
  2. A dwelling for two (2) families (duplex);
  3. Accessory buildings on the rear half of the building site used as garages, storerooms, woodsheds, workshops, laundries, playhouses or similar and related accessory uses for which a special permit has been issued; provided, however, that there shall be not more than two (2) buildings allowed as accessory to any single family dwelling;
  4. Churches (except rescue missions or temporary revival), provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A parsonage, (freestanding or attached to a church by a vestibule), shall be considered as a residential structure;
  5. Minor home occupations;
  6. Manufactured home subject to standards in Section 10.72.030;
  7. Manufactured homes will be allowed in an approved planned unit development;
  8. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-1 lot abuts a commercial or industrial zone;
  9. Parks and playgrounds owned and operated by a governmental agency;
  10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;
  11. Planned unit developments subject to standards in Section 10.72.130;
  12. Privately operated day care facility; providing residential character of the building is not changed;
  13. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
  14. Residential care homes;
  15. Schools (elementary, junior high and high), provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear

property lines, except on the street side of corner lots; alleys contiguous to or within the property being used for school purposes may be included in the required setback;

16. The office of a physician, dentist, minister of religion or other person authorized by law to practice medicine or healing, provided that:

- a. Such office is situated in the same dwelling unit as the home of the occupant;
- b. Such office shall not be used for the general practice of medicine, surgery and dentistry, but may be used for consultation and emergency treatment as an adjunct to a principal office;
- c. There shall be no assistants employed.

17. Forest uses including propagation and harvest of forest products and ancillary uses consistent with State Forest Practices Act.

C. Uses Permitted with Standards.

1. Temporary uses;
2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040;

2. [Beekeeping](#);

23. Major home occupations;

34. Assembly or meeting halls may be allowed as a conditional use after an examination of the location and a public hearing has convinced the Planning Commission that the proposed use will not be detrimental to adjacent and surrounding property and further provided:

- a. The use of the building shall be restricted to the applicant without right to lend, rent or sublease the building to another person or organization,
- b. The use of the building shall meet all standards of this division unless specific variances are requested and granted at the time of the conditional use hearing,
- c. There shall be no gambling, sale or use of alcoholic beverages on premises,
- d. Signing shall be limited to one (1) sign not to exceed twelve (12) square feet and shall be attached to the building; signs may be illuminated but may not be of the flashing or moving type.

45. Assisted living facility;

56. Bed and breakfast establishments;

67. Hospitals may be allowed under a conditional use after public hearing and examination of the location has convinced the Planning Commission that such a structure will not be detrimental to adjacent and surrounding property, and provided that any buildings used for hospital purposes shall provide and maintain setbacks from side and rear property lines (except on the street side of corner lots) of at least fifty (50) feet; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback;

78. Manufactured home parks;

89. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted.

910. Private, noncommercial playgrounds.

- E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.
- F. Signs. Signs shall be allowed as specified in Section 10.76.040.
- G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2½) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.
- H. Area.
  - 1. Size of Lot. Residential lots shall have a minimum average width of sixty (60) feet and the minimum lot area per dwelling shall be six thousand (6,000) square feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section;
  - 2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40) percent of the lot area.
- I. Building Setback Requirements.
  - 1. Front Yard. No structure shall be located less than fifteen (15) feet from the property line.
  - 2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet to the property line.
  - 3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.
- J. Vision Clearance. Vision clearance shall be provided as specified under Section 10.76.080.
- K. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028.

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**10.72.050 (R-2) Multifamily residential—High density.**

- A. Purpose. To provide suitable high density residential developments while preserving the residential character of the area.
- B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:
  - 1. Any use permitted in the R-1 single-family residential zoned areas;
  - 2. Apartment houses;
  - 3. Boarding and lodging houses;
  - 4. Clubs, lodges and assembly halls (private or nonprofit);
  - 5. Convalescent/nursing homes including necessary and incidental services;



6. Minor home occupations;
  7. Manufactured homes will be allowed in approved planned unit developments;
  8. Multifamily dwellings;
  9. Day care facilities;
  10. Orphanages and charitable institutions;
  11. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-2 lot abuts a commercial or industrial zone;
  12. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;
  13. Planned unit developments subject to standards in Section 10.72.130;
  14. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
  15. Public or private schools;
  16. Residential care facilities.
- C. Uses Permitted with Standards.
1. Temporary uses;
  2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.
- D. Uses Permitted Conditionally.
1. Accessory dwelling unit subject to standards in Section 10.72.040;
  2. [Beekeeping](#);
  - 2~~3~~. Major home occupation;
  - 3~~4~~. Assisted living facility;
  - 4~~5~~. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted.
- E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.
- F. Signs. Signs shall be allowed as specified in Section 10.76.040.
- G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories with a maximum of forty-five (45) feet.
- H. Area.
1. Size of Lot. Every lot shall have a minimum average width of sixty (60) feet and a minimum area of six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be one thousand (1,000) square feet. Boarding houses shall have a minimum lot area of three hundred (300) square feet for each occupant thereof.

However, where a lot has an average width of less than sixty (60) feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of fifty (50) percent of the lot area.
- I. Building Setback Requirements.
    1. Front Yard. No structure shall be located closer than fifteen (15) feet to the front property line.
    2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet from the property line.
    3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.
  - J. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.
  - K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028.
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#### **10.72.180 (AR) Agricultural resource.**

- A. Purpose. To provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities.
- B. Uses Permitted Outright. In an AR zone, the following uses and their accessory uses are permitted outright:
  1. Buildings and structures necessary to the uses listed in subsection (B);
  2. Farm uses;
  3. Fire prevention, detection and suppression facilities;
  4. Fish and wildlife management;
  5. Forest management;
  6. Minor home occupations;
  7. Nursery for the culture, sale and display of trees, shrubs and flowers;
  8. Buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
  9. Publicly owned facilities such as parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities;
  10. Single-family dwellings customarily provided in conjunction with a use permitted in this classification, providing that a minimum average density of ten (10) acres per dwelling shall be maintained;
  11. The development of water impoundments and canals;
  12. Other uses later deemed by the Planning Commission to be conditional.
- C. Uses Permitted Conditionally.
  1. Major home occupations;
  2. [Beekeeping](#);

23. Use or keeping of animals other than livestock, excluding swine which are prohibited.

- D. Lot Size. The minimum lot area shall be ten (10) acres.
- E. Building Setback Requirements. No structure other than a fence or sign shall be located closer than thirty (30) feet from the right-of-way of a public road and ten (10) feet from all other property lines.
- F. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed fifty (50) feet.

## ADDITION OF VACATION & SHORT TERM RENTAL PROVISIONS

### 10.64 Definitions:

“Short-term rental” means a dwelling unit, an accessory dwelling unit, or a room (or rooms) within a dwelling unit that is rented out for lodging for a period of less than 30 days in length. A short-term rental is an accessory use to a primary residence and allowed as a conditional use permit, subject to these minimum requirements:

1. The primary residence shall be occupied by the owner or operator for no less than 270 days per calendar year.
2. A short-term rental may be hosted (where the primary occupants are present on-site during the rental period) or un-hosted (where the primary occupants vacate the unit or site during the rental period).
  - a. For hosted rentals, one parking space per two (2) guests is required in addition to the minimum residential parking requirement for the main dwelling on the property.
  - b. For un-hosted rentals, at least one parking space per two (2) guests is required on site.
3. Occupancy is limited to not more than six (6) guests per rental period.
4. The property owner shall obtain a Short-Term Rental Operator’s license and comply with the business licensing regulations.
- ~~4.5.~~ The property owner shall comply with the Transient Room Tax provisions.

“Vacation rental” means a dwelling unit that is rented out to a single party for a period of less than 30 days in length where there are no primary occupants or where the residents who occupy the unit do so for less than 270 days per year. A vacation rental is similar to a commercial lodging use. It is a primary use and is more commercial in nature than is a short-term rental.

1. At least one parking space per two (2) guests is required on site.
2. Occupancy is limited to not more than eight (8) guests per rental period.
3. The property owner shall obtain a Vacation Rental Operator’s license and comply with the business licensing regulations.
- ~~4.4.~~ The property owner shall comply with the Transient Room Tax provisions.

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### 10.72.010 (RA) Rural Suburban Residential zone

#### D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040;
2. Major home occupations;
3. Assisted living facility;
4. Parks, playgrounds, golf courses or community centers.
5. Short-term rental.
6. Vacation rental.

#### E. Parking Requirements. Parking shall be provided as specified under Section 10.76.020.

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### 10.72.020 (R1) Single-Family Residential zone

#### D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040;
2. Major home occupations;
3. Assembly or meeting halls may be allowed as a conditional use after an examination of the location and a public hearing has convinced the Planning Commission that the proposed use will not be detrimental to adjacent and surrounding property and further provided:
  - a. The use of the building shall be restricted to the applicant without right to lend, rent or sublease the building to another person or organization,
  - b. The use of the building shall meet all standards of this division unless specific variances are requested and granted at the time of the conditional use hearing,
  - c. There shall be no gambling, sale or use of alcoholic beverages on premises,
  - d. Signing shall be limited to one (1) sign not to exceed twelve (12) square feet and shall be attached to the building; signs may be illuminated but may not be of the flashing or moving type.
4. Assisted living facility;
5. Bed and breakfast establishments;
6. [Short-term rental](#);
7. [Vacation rental](#);
8. Hospitals may be allowed under a conditional use after public hearing and examination of the location has convinced the Planning Commission that such a structure will not be detrimental to adjacent and surrounding property, and provided that any buildings used for hospital purposes shall provide and maintain setbacks from side and rear property lines (except on the street side of corner lots) of at least fifty (50) feet; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback;
9. Manufactured home parks;
10. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted.
11. Private, noncommercial playgrounds.

#### E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

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### 10.72.030 (R2) Multifamily Residential zone

#### D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040;

2. [Short-term rental](#);

3. [Vacation rental](#);

4. Major home occupation;

35. Assisted living facility;

46. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

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### **10.72.060 (C1) Commercial Transitional zone**

D. Uses Permitted Conditionally.

1. Major home occupations;

2. Mobile home parks;

3. [Short-term rental](#).

4. [Vacation rental](#).

35. Marijuana Dispensaries as specified in Section 10.76.035.

E. Limit of Floor Space. All retail businesses will be limited to two thousand five hundred (2,500) square feet of retail floor space.

## AMENDMENTS TO SECTIONS PERTAINING TO RESIDENTIAL ACCESSORY USES

### 10.64.030 Definitions.

"Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. An accessory structure, such as a shop, garage, and garden shed, or the like shall not exceed 25 feet in height and shall not exceed 50% of the overall floor area of the main dwelling. The floor area of a dwelling shall exclude the footprint of any attached garages.

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### 10.72.020 (R-1) Single-family residential--Medium density.

A. Purpose. To provide a quality environment for medium density single-family residences, duplexes and other compatible land uses determined to be desirable and/or necessary.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. A dwelling arranged, intended and designated exclusively for one family;
2. A dwelling for two families (duplex);
3. Accessory buildings on the rear half of the ~~building site~~ property used as garages, storerooms, woodsheds, workshops, laundries, playhouses or similar and related accessory uses for which a special permit has been issued; provided, however, that there shall be not more than two buildings allowed as accessory to any single family dwelling;

## AMENDMENTS TO THE EXTENSION OF TIME PROVISIONS

### 10.92.050 Time limit on a permit for a variance.

Authorization of a variance shall be void after one (1) year unless substantial construction has taken place. However, the Planning ~~Commission~~-Director may extend authorization for an additional period not to exceed one (1) year, on request.

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### 10.96.050 Time limit on conditional uses.

Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial documented plans are being developed or construction has taken place, or if the use approved by the conditional use permit is discontinued for any reason for more than one (1) year. The Planning ~~Commission~~-Director may extend authorization for an additional period not to exceed one (1) year, on request.



## AMENDMENTS TO SIGN REGULATIONS

### 10.76.040 Signs.

K. Commercial (C-2), [Commercial Mixed-Use \(CMU\)](#), Light Industrial (M-1), Heavy Industrial (M-2), Water-dependent Industrial (M-3), Public/Semi-Public (PL) and Estuarine Development (ED) zones.

1. Interior Lots. The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one-half (1½) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed one hundred fifty (150) square feet and all businesses shall be allowed a minimum of fifty (50) square feet regardless of the amount of frontage.
2. Corner Lots or Double Frontages.
  - a. Primary Frontage. The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one-half (1½) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed one hundred fifty (150) square feet and all businesses shall be allowed a minimum of fifty (50) square feet regardless of the amount of frontage.
  - b. Secondary Frontage. The total aggregate area of all regulated (excluding temporary) signs shall not exceed fifty (50) percent of allowed formulated signage on primary frontage.

Primary and secondary frontages shall be designated by the applicant.
  - c. Shopping Centers. Each business in a shopping center shall be allowed sign area based upon the business's building frontage on a public right-of-way or parking lot. In addition the shopping center shall be allowed one (1) freestanding sign (not to exceed one hundred fifty (150) square feet), which shall identify the center itself and may also identify businesses in the center.
3. For purposes of this division, the area of a sign shall be the maximum area of surface which can be seen at one (1) time from a single point of observation.
4. The total square footage of temporary signs is limited to sixteen (16) square feet and shall be subject to general requirements as stated in this division.