

Chapter 17.12

USE ZONES

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(ORD. 2008-04 § 090, 2007)

17.12.010 Residential zone.

A. Purpose of Classification. The 1-R zone is designed to be applied to residential areas where dwellings are appropriate.

B. Uses Permitted Outright. In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling or duplex;
2. Manufactured home, in accordance with Section 17.16.040;
3. Private stable where building site is one acre or more;
4. Farming where building site is one acre or more, but not including commercial livestock production;

C. Conditional Uses Permitted. In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

1. Mobilehome park;
2. Church or school;
3. Grange hall or community building;
4. Public use facility or public utility,

17.12.020 Residential zone (2-R)

including but not limited to fire stations;

5. Recreational vehicle temporarily used during construction of a permitted use or to relieve a hardship for a period not to exceed twelve (12) months;

6. Utility facility, including substation or pumping station or private generator;

7. Commercial communications transmitter or receiver antenna;

8. Planned unit development on a lot not less than three acres.

D. Lot Size. Except as provided in Section 17.20.030 and 17.20.040 in a 1-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the state requirements established for on-site water supply and sewage disposal.

2. When both a public water and sewage system are available:

a. For uses other than a mobilehome park, the minimum lot area shall be five thousand (5,000) square feet; or

b. For a mobilehome park, the minimum shall be eight thousand (8,000) square feet or two thousand (2,000) square feet per unit, whichever is greater.

3. The minimum lot width shall be fifty (50) feet.

E. Setback Requirements. Except as provided in Sections 17.20.010 and 17.20.020 in 1-R zone yards shall be as follows:

1. The front yard shall be a minimum of ten feet.

2. The side yard shall be a minimum of five feet.

3. The rear yard shall be a minimum of five feet.

F. Height of Buildings. Except as provided in Section 17.20.050 in a 1-R zone no building shall exceed thirty-five (35) feet in height. (Ord. 411-94 Att. A (part), 1994; Ord. 278 ● 2.110-2.150, 1977)

A. Purpose of Classification. The 2-R zone is designed to be applied to residential areas where higher density housing is appropriate.

B. Uses Permitted Outright. In a 2-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling or duplex;
2. Manufactured home, in accordance with Section 17.16.040;
3. Multiple-family dwelling;
4. Private stable where building site is one acre or more;
5. Farming where building site is one acre or more, but not including commercial livestock production;
6. Home occupation.

C. Conditional Uses Permitted. In a 2-r zone, the following uses and their accessory uses are permitted when authorized in accordance with chapter 17.32:

1. Mobilehome park;
2. Church or school;
3. Grange hall or community building;
4. Public use facility or public utility, including but not limited to fire stations;
5. Recreational vehicle temporarily used during construction of a permitted use or to relieve a hardship for a period not to exceed twelve (12) months;
6. Utility facility, including substation or pumping station or private generator;
7. Commercial communications transmitter or receiver antenna;
8. Planned unit development on a lot not less than three acres;
9. Hospital, sanitarium, retirement home, medical or dental clinic.

D. Lot Size. Except as provided in Sections 17.20.030 and 17.20.040 in a 2-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the state requirements established for on-site water supply and sewage disposal.
2. When both a public water and sewage system are available:
10. Plumbing, electrical or paint contractor's storage, repair or sales shop;

a. For uses other than a mobilehome park, the minimum lot area shall be five thousand (5,000) square feet; or

b. For a mobilehome park, the minimum shall be eight thousand (8,000) square feet or two thousand (2,000) square feet per unit, whichever is greater.

3. The average lot width shall be a minimum of fifty (50) feet.

E. Setback Requirements. Except as provided in Sections 17.20.010 and 17.20.020 in a 2-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten feet.
2. The side yard shall be a minimum of five feet.
3. The rear yard shall be a minimum of five feet.

F. Height of Buildings. Except as provided in Section 17.20.050 in a 2-R zone no building shall exceed thirty-five (35) feet in height. (Ord. 411-94 Att. A (part), 1994: Ord. 278 ● 2.210■2.250, 1977)

17.12.030 Commercial zone (4-C)

A. Purpose of classification. The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

B. Uses Permitted Outright. In a 4-C zone, the following uses and their accessory uses are permitted outright, provided that such use of operation does not create a nuisance because of odor, noise, dust, smoke or gas:

1. Single-family dwellings;
2. Multiple-family dwellings;
3. Hotel or motel;
4. Club or lodge hall;
5. Hospital, sanitarium, retirement home, medical or dental clinic;
6. Retail or service establishment;
7. Automobile service station;
8. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
9. Building material storage yard;
11. Tire retreading or vulcanizing shop;
12. Wholesale, trucking and storage

establishment;

13. Machine shop or cabinet shop;
14. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 17.12.040C;

15. Park playground, fire station, library or museum.

C. Conditional Uses Permitted. In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

1. Mobilehome park and / or recreational vehicle park;
2. Planned unit development on a lot of at least three acres in area;
3. Utility facility, including substation or pumping station or private generator;
4. Communications transmitter, receiver, antenna or tower;
5. Wind generator.
6. Prefabricated structure. (Ord.2004-05 • New, 2004)

D. Lot Size. Except as provided in Sections 17.20.030 and 17.20.040 in a 4-C zone, the minimum lot size shall be as determined by the county health department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public and mutual water supply and a public sewage disposal system are available, there shall be no minimum lot area.

E. Height of Buildings. Except as provided in Section 17.20.050 in a 4-C zone, no building shall exceed forty-five (45) feet in height. (Ord. 278 • 2.310, 2.340, 1977)

17.12.040 Industrial zone (5-I).

A. Purpose of Classification. The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

B. Uses Permitted Outright. In a 5-I zone, the

D. Lot Size. Except as provided in Sections 17.12.030 and 17.12.040 in a 5-I zone, the minimum lot size shall be as determined by the State Health Department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public or

following uses and their accessory uses are permitted outright:

1. Single-family dwellings;
2. Multiple-family dwellings;
3. Hotel or motel;
4. Club or lodge hall;
5. Hospital, sanitarium, retirement home, medical or dental clinic;
6. Retail or service establishment;
7. Automobile service station;
8. Trailer or camping vehicle park;
9. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
10. Building material storage yard;
11. Plumbing, electrical or paint contractor's storage, repair or sales shop;
12. Tire retreading or vulcanizing shop;
13. Wholesale trucking and storage establishment;
14. Machine shop or cabinet shop;
15. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabrication activities except those specifically listed in subsection C of this section;
16. Utility facility, including substation or pumping station or private generator;
17. Communications transmitter, receiver, antenna or tower.

C. Conditional Uses Permitted. In a 5-I zone, the following and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

1. Manufacturing plant, including lumber and plywood mills;
2. Rendering plant or slaughterhouse;
3. Pulp or paper mill;
4. Cement or asphalt plant;
5. Airport or heliport;
6. Church or school;
7. Park, playground, fire station, library or museum;
8. Planned unit development on a lot of at least three acres in area;

mutual water supply and a public sewage disposal systems. If both a public or mutual water supply and a public sewage disposal system are available, there shall be no minimum lot area. (Ord. 278 • 2.410, 2.430, 1977)

17.12.050 Controlled development zone (6-CD)

A. Purpose of Classification. The purpose of the 6-CD zone is to recognize and protect natural resources, such as significant fish and wildlife habitats, ecological area, wetland and watershed and areas necessary to maintain or protect the quality of air, land and water resources. Future development is to be controlled in order to enhance these unique qualities.

B. Uses Permitted Outright. In a 6-CD zone, the following uses and their accessory uses are permitted outright:

1. Wildlife and water life sanctuaries;
2. Recreational uses which do not involve the use of structures;
3. Hunting, fishing and similar activities;
4. Aquaculture and accessory facilities.

C. Conditional Uses Permitted. In a 6-CD zone the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

1. Wildlife and water life sanctuaries;
2. Recreational uses which do not involve the use of structures;
3. Hunting, fishing and similar activities;
4. Aquaculture and accessory facilities.

C. Conditional Uses Permitted. In a 6-CD zone the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

1. Public utility facilities;
2. Communication facilities;
3. Structures for recreation activities;
4. Extraction of natural materials;
5. Public or private natatorium, wayside, day use parks, school study areas. (Ord. 278 ● 2.510, 2.520, 1977)

17.12.060 Marine activity zone (7-MA)

D. Lot Size. Except as provided in Sections 17.12.030 and 17.12.040 in a 7-MA zone, the minimum lot size shall be as determined by the county health department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public and a mutual water supply and public sewage disposal system are available, there shall be no minimum

A. Purpose of Classification. The marine activity zone is to provide areas suitable for uses which depend upon or are benefitted by a waterfront location, and to reserve such areas for these uses.

B. Uses Permitted Outright. In a 7-MA zone, the following uses and their accessory uses are permitted outright:

1. Boat launching or moorage facilities, marina, boat charter service;
2. Piers, docks, bulkheads, jetties and backfills;
3. Seafood processing, storage and sales;
4. Boat and marine equipment sales, service, storage, rental or repair;
5. Fishing supply storage, manufacturing and sales;
6. Retail sales of water sporting goods or similar commodities;
7. Dredging and fill maintenance;
8. Offices which are related to marine activity;
9. Experimental laboratory for research or marine coastal production or resource;
10. Aquaculture and accessory facilities;
11. Open recreation area and park or recreational facility.

C. Conditional Uses Permitted. In a 7-MA zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

1. Eating and drinking establishments;
2. Motel or hotel;
3. Gift, novelty, or specialty shops, including the manufacture of such goods;
4. Government structure and use of land;
5. Storage of marine-oriented materials;
6. Public utility or public communication facilities;
7. Small boat manufacturer.

lot area.

E. Height of buildings. Except as provided in Section 17.12.050 in a 7-MA zone, no building shall exceed forty-five (45) feet in height. (Ord. 278 ● 2.610, 2.640, 1977)

17.12.070 Public facilities and park zone (8-PF)

A. Purpose of Classification. The 8-PF zone is designed to identify and reserve publicly owned areas for the development of needed public facilities and service.

B. Uses Permitted Outright. In an 8-PF zone, the following uses and their accessory uses are permitted outright:

1. Schools, including nursery or day care center;
2. Parks or recreational facilities;
3. Public utilities and services;
4. Public parking;
5. Government structure, office or use;
6. Community centers;
7. Cemeteries.

C. Conditional Uses. In an 8-PF zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32, and when it is found that the site is not needed for or is inappropriate for a permitted use, the proposed use is an interim use, or the use is to be conducted in conjunction with a permitted use:

1. A nongovernmental business or professional office conducted in a public building;
2. A single-family dwelling, or a manufactured home in accordance with the provisions of Section 17.16.040 and in conjunction with a permitted use. (Amended during 1996 codification; Ord. 278 ● 2.710, 2.720, 1977)

17.12.080 Shoreland overlay zone (9-SO).

A. Purpose of classification. The purpose of the 9-SO zone is to protect shoreland resources identified in the comprehensive plan and to apply development standards to all uses within the shoreland boundary as applicable.

E. Riparian Vegetation Protection. Except as necessary for water-dependent uses, all developmental mineral extraction activities shall be set back fifty (50) feet from the streambank of all perennial streams to protect riparian vegetation as identified in the comprehensive plan. A lesser distance may be approved based

B. Uses Permitted Outright. In the 9-SO zone, the following uses are permitted outright . If they are conditional uses in the underlying zone, they shall be subject to the conditions referenced in Chapter 17.32.

1. Uses allowed in the underlying zone;
2. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
3. Water-dependent commercial and recreational developments;
4. Aquaculture;
5. Single-family residences on existing lots or parcels;
6. Dredged material disposal (DMD), mitigation or restoration on sites designated in the comprehensive plan.

C. Conditional Uses Permitted. In the 9-SO zone the following uses and their accessory uses are permitted in accordance with Chapter 17.32.

1. Uses permitted conditionally and other uses allowed in the underlying zones;
2. Water-dependent commercial uses;
3. Water-dependent industrial uses;
4. Subdivisions and partitions;
5. Temporary use of dredged material disposal (DMD), mitigation or restoration sites;
6. Other uses not listed in subsection B of this section which are permitted in the underlying zone;
7. Riprap, shoreline or erosion-control structure.

D. Additional Coastal Resources. Except where findings are contained in the comprehensive plan, uses in areas identified as coastal wetlands, significant wildlife resources, coastal headlands, exceptional coastal landscapes or historic and archeological sites, shall require affirmative findings that the above resources are protected. These resources are identified on the coastal shorelands inventory. on a specific site investigation as part of the permit application process and concurrence with the lesser distance by the Oregon Department of Fish and Wildlife and Division of State Lands.

F. Solutions to Erosion and Flooding Problems.

1. Nonstructural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and allowed, water and erosion control structures such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns.

2. Further, where listed as a permitted activity within this zone, riprap shall only be allowed upon findings that:

a. Land use management practices and nonstructural solutions are inadequate;

b. Adverse impacts on water currents, erosion and accretion patterns are minimized. (Ord. 278 ● 2.810.2.850, 1977)

17.12.090 Battle Rock Mixed Use Zone (10-MU)

A. Purpose of Classification. The intent of the Battle Rock Mixed Use (10-MU zone is to maintain small coastal town ambiance and small town neighborhood character by enhancing the economic value by identifying its unique features with planning that can systematically organize the development that will occur in the future, to encourage pedestrian friendly tourist commercial uses, and provide opportunities for residents and visitors to enjoy the built and natural environment.

B. Uses Permitted Outright. In the 10-MU zone, the following uses and their accessory uses are permitted outright subject to the conditions within this chapter:

1. Single-family dwelling or duplex;
2. Manufactured home, in accordance with Section 17.161040;
3. Multiple-family dwellings;
4. Home occupations;
5. Hotel, motel or other lodging;
6. Restaurants;
7. Club or lodge hall;
8. Emergency care facilities, medical or dental clinic;
9. Retail use, professional office or service use, including galleries;
10. Light manufacturing;
11. Park playground, fire station, library or

museum;

12. Childcare facility;
13. Residential care home or residential care facility.
14. Any permitted use where building footprint exceeds 6,000 square feet, shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review.
15. Any permitted use where building height exceeds 35 feet shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review.
16. Any permitted use where building length exceeds 125 feet shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review.

C. Conditional Uses Permitted. In a 10-MU zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32, and subject to the conditions within this 10-MU zone chapter:

1. Manufactured home park, subject to Section 17.32.050 (A, E);
2. Planned unit development, planned community, and cluster residential with multiple structures subject to Chapter 16.16 on a lot of at least three acres in area, and subject to Section 17.32.050 (A);
3. Utility facility, including substation or pumping station or private generator, subject to Section 17.32.050 (A, D);
4. Wireless telecommunications facility, subject to building height restriction of zone, and subject to Section 17.32.050(A, D);
5. Wind generator, subject to Section 17.32.050 (A, D);
6. Unified development on a lot of at least one-half acre, or 21,780 square feet, subject to Section 17.32.050 (A);
7. Any permitted use with prefabricated

structure, subject to Section 17.32.050 (A, I);

D. Other Applicable Use Standards.

1. Outdoor sales and/or service areas over 200 square feet in size are not permitted in this zone, except for restaurants, farmers markets, plant nurseries, sculpture gardens.
2. Outdoor storage areas will be enclosed and screened from view by suitable hedges, fencing or walls and will not exceed 200 square feet in size.
3. Indoor storage will not be the principal use of property.

E. Design Standards for All New

Development. All new structures and substantial improvements in a 10-MU zone shall conform to the following design standards:

1. **Building Size.** Any building more than 125 feet in length, or exceeding 35 feet in height or with a footprint greater than 6,000 square feet shall be considered a large structure requiring site plan review in compliance with standards set forth in Chapter 17.33.
2. **Building Articulation.** All new commercial structures shall utilize at least six of the following design features; all new residential structures shall utilize three:
 - a. Dormers.
 - b. Recessed entries.
 - c. Cupolas or tower.
 - d. Bay or bow windows.
 - e. Attached garage.
 - f. Roof with a pitch greater than nominal 3/12.
 - g. Offsets on building face or roof that are a minimum of twelve (12) inches.

h. Covered porch entry.

i. Pillars or posts.

j. Eaves that are a minimum of six (6) inches.

k. Roof of tile, composition, shake, standing seam metal, or other metal roofing simulating traditional roofing materials such as slate and tiles.

l. Horizontal lap siding.

m. Shingle siding.

n. Parapets.

o. Other design features may be considered subject to approval by the City's designated design specialist, the City Planning Commission, or the City Council as applicable to the approval process.

3. Highway 101 Ground Floor Façade.

All new structures and substantial improvements, fronting Highway 101, shall provide at least 25% of the ground floor facade facing the highway with windows or building entrances.

4. Off-Street Parking for Properties with Frontage on Highway 101 and for New Commercial Structures throughout the Battle Rock Mixed Use Zone (10-MU):

All off-street parking areas shall be located behind, under, or to the side of a building, and shall incorporate a landscaped buffer from adjacent property as well as from any sidewalk abutting the parking area.

5. Mechanical Equipment. All mechanical equipment shall be concealed from view of public streets and neighboring properties.

6. Landscaping. All new structures and substantial improvements shall have lot

design to conform to the following landscaping requirements:

- a. All areas abutting a street that are not occupied by structures or driveway shall be landscaped or provide public space such as walkable path, sidewalk, or bench area.
 - b. Lots with footprint area for new structure or combined new structures exceeding 3,000 square feet shall provide landscaping coverage for at least 5% of lot area.
7. **Drive-Through/Drive-In Facilities.** Drive-through/drive-in facilities shall conform to the following placement standards:
- a. The drive-through/drive-in use shall orient to an alley, driveway, or interior parking area, and not a street;
 - b. The drive-through/drive-in facilities shall not be located within twenty (20) feet of a street and shall not be oriented to a street corner;
 - c. Drive-through/drive-in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.
8. **Manufactured Home Park.** When manufactured homes within the manufactured home park are oriented with their back or side yards facing a public right-of-way, the Planning Commission may require installation of fencing and planting of a ten (10)-foot wide landscape buffer between the right-of-way and the manufactured home park for the privacy and security of residents and the aesthetics of the streetscape.
- F. Sewer and Water Line Hookups.**
1. **Provision of Sewer and Water.** Sewer and water shall be provided by the City of Port Orford, and distribution systems shall be built to City and State specifications.
 2. **Sewer Line Hookups.** Sewer lines shall be installed to City standards to connect sites for new development to existing mains. In areas where a sewer main is not adjacent to a proposed lot or an existing lot proposed for development, the developer will pay the cost of extending the main line and any lift necessary to provide adequate sewage disposal to the parameter of the lot. At the request of the developer, the City shall consider sharing in the cost of the main line extension or lift station, but the City is under no obligation to participate.
- 3. Water Line Hookups.** Adequate water lines shall be installed to City standards to connect sites for new development to existing mains. In areas where a water main is not adjacent to the individual lot that is proposed to be developed, the developer will pay the cost of extending the main to the parameter of the lot. At the request of the developer, the City shall consider sharing in the cost of the main line extension, but the City is under no obligation to participate
- G. Lot Size.** In a 10-MU zone, there shall be no minimum lot area.
- H. Height of Buildings.** Except as provided in Section 17.20.050 in a 10-MU zone, no building shall exceed forty-five (45) feet in height.
- I. Uses Not Listed.** It is recognized in the development of a comprehensive Land Development Ordinance that:
1. Not all uses of land and water can be listed, nor anticipated; or
 2. A use may have been inadvertently omitted from the list of those specified as permitted or conditional in each of the various districts designated; or
 3. Ambiguity may arise concerning the appropriate classification of a

particular use within the meaning and intent of this ordinance.

Therefore the phrase “plus other uses deemed to be similar and not more obnoxious or detrimental to the public health safety, and welfare” shall be unmentioned, but included in “Uses Permitted Outright” and “Conditional Uses Permitted” in this district. The classification of an outright use or a conditional use is the responsibility of the planning director. Should a conflict arise over the classification of the proposed use, an interpretation by the Planning Commission can be requested. (ORD 2008-04, New, 2007)

I. Uses Not Listed.

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(ORD. 2008-04 § 090, 2007)