

City of Cove, Oregon

Zoning Ordinance

ADOPTED  
March 22, 1984

Prepared by Cove City Council  
with assistance from  
Hanley Jenkins, II  
and  
Union County Planning Department

CITY OF COVE  
ORDINANCE NO. 1984-3

AN ORDINANCE ADOPTING THE CITY OF COVE ZONING ORDINANCE – MARCH 22, 1984; REPEALING AND REPLACING THE CITY OF COVE, OREGON, ZONING ORDINANCE – APRIL 19, 1977; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Cove, Oregon, Zoning Ordinance was adopted by the City Council on April 19, 1977;

WHEREAS, the Oregon Land Conservation and Development Commission denied the City's acknowledgement request for compliance with the statewide planning goals on September 6, 1979;

WHEREAS, the City of Cove has pursued and developed requested revisions to the Zoning Ordinance to comply with the statewide planning goals.

NOW THEREFORE, THE CITY OF COVE ORDAINS AS FOLLOWS:

CITY OF COVE ZONING ORDINANCE - MARCH 22, 1984 is approved and adopted and affixed hereto, repealing and replacing the City of Cove, Oregon, Zoning Ordinance- April 19, 1977; and

DECLARING AN EMERGENCY for adoption since the city has exceeded its continuance of compliance date of March 1, 1984.

PASSED and ADOPTED, this 22 day of March, 1984, by (5) five City Council Members voting therefore.

## Table of Contents

		Page
ARTICLE 1.00:	INTRODUCTIORY PROVISIONS	1
Section 1.01:	Short Title	1
Section 1.02:	Purposes	1
Section 1.03:	Compliance	1
Section 1.04:	Ownership	2
ARTICLE 2.00:	DEFINITIONS	3
ARTICLE 3.00:	CLASSIFICATIONS OF ZONES	7
Section 3.01:	Zones	7
Section 3.02:	Zoning Maps & Boundaries	7
ARTICLE 4.00:	RESIDENTIAL (R-1) ZONE	9
Section 4.01:	Purpose	9
Section 4.02:	Uses Permitted Outright	9
Section 4.03:	Conditional Uses	9
Section 4.04:	Lot Size and Dimensions	10
Section 4.05:	Development Standards	10
ARTICLE 5.00:	LOW DENSITY RESIDENTIAL (R-2) ZONE	11
Section 5.01:	Purpose	11
Section 5.02:	Uses Permitted Outright	11
Section 5.03:	Conditional uses	11
Section 5.04:	Lot Sizes and Dimensions	11
Section 5.05:	Development Standards	11
ARTICLE 6.00:	COMMERCIAL ZONE	12
Section 6.01:	Purpose	12
Section 6.02:	Uses Permitted Outright	12
Section 6.03:	Conditional Uses	12
Section 6.04:	Lot Sizes and Dimensions	13
Section 6.05:	Development Standards	13
ARTICLE 7.00:	PUBLIC/SEMI-PUBLIC (P) ZONE	15
Section 7.01:	Purpose	15
Section 7.02:	Uses Permitted Outright	15
Section 7.03:	Conditional Uses	15
Section 7.04:	Lot Size and Dimensions	15
Section 7.05:	Development Standards	16
ARTICLE 8.00:	PROVISIONS APPLICABLE TO ALL ZONES	17

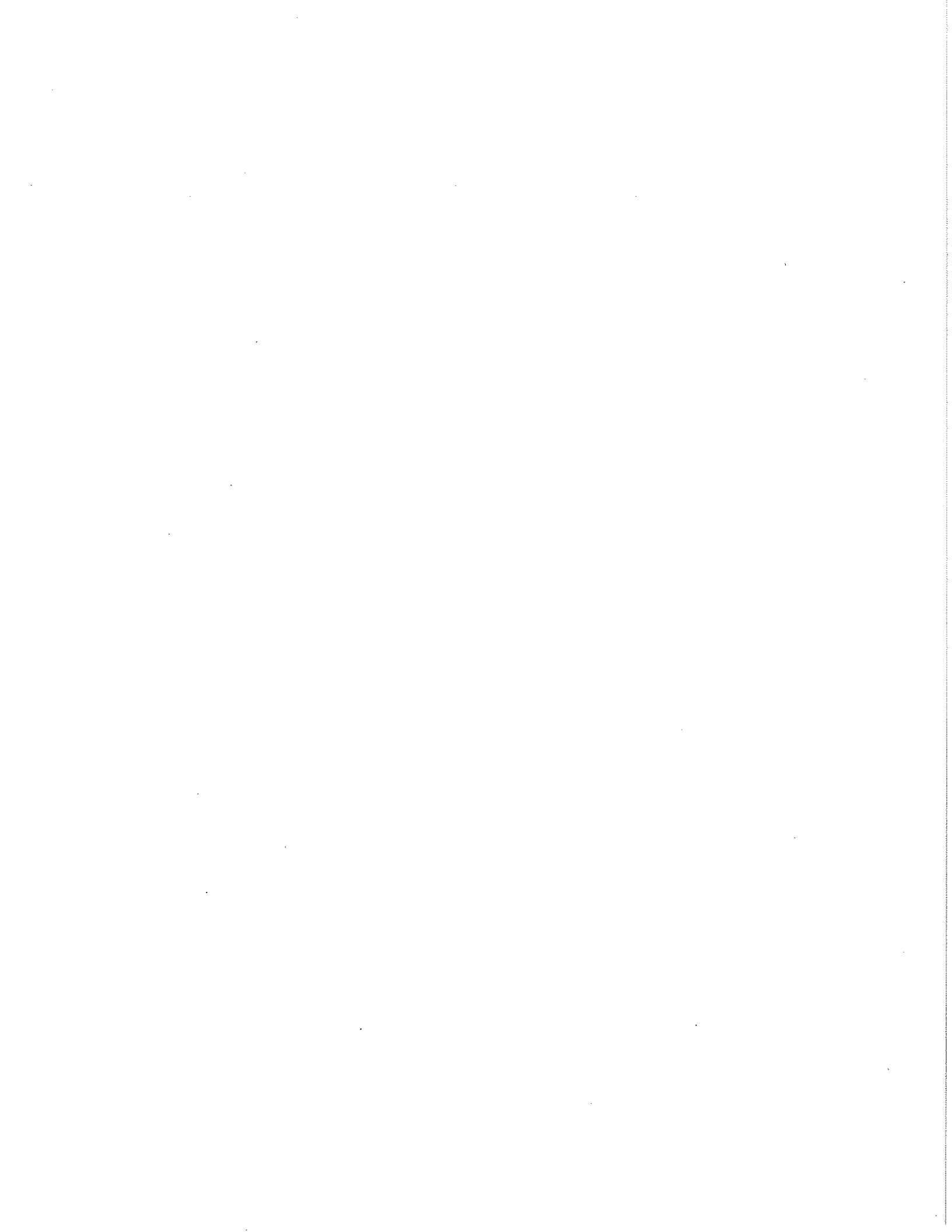
Section 8.01:	Permit Approval	17
Section 8.02:	Lot Size Exception	17
Section 8.03:	Front Yard Exception	17
Section 8.04:	Height Limitations Exception	17
Section 8.05:	Non-Conforming Uses	17
Section 8.06:	Completion of Buildings	19
Section 8.07:	Unoccupied Buildings	19
Section 8.08:	Off-Street Parking	19
Section 8.09:	Off-Street Loading	20
Section 8.10:	Access	20
Section 8.11:	Vision Clearance	20
Section 8.12:	Accessory Uses	21
Section 8.13:	Temporary Use	21
Section 8.14:	Historical Sites and Structures	21
Section 8.15:	Riparian Setback	22
ARTICLE 9.00:	CONDITIONAL USES	23
Section 9.01:	Authorization	23
Section 9.02:	Application for Conditional Uses	23
Section 9.03:	Notice of Hearing on Conditional Use	23
Section 9.04:	Council Action	23
Section 9.05:	Recess of Hearing	25
Section 9.06:	Notification of Action	26
Section 9.07:	Time Limit on a Conditional Use	26
Section 9.08:	Revocation of a Conditional Use Permit	26
ARTICLE 10.00:	VARIANCES	27
Section 10.01:	Authorization to Grant or Deny Variances	27
Section 10.02:	Required Conditions	27
Section 10.03:	Procedure	27
Section 10.04:	Time Limit on a Variance	27
ARTICLE 11.00:	SITE PLAN REVIEW	29
Section 11.01:	Purpose and Intent	29
Section 11.02:	Site Plan Contents	29
Section 11.03:	Complete Information	29
Section 11.04:	Review Criteria	29
Section 11.05:	Performance Agreement	30
ARTICLE 12.00:	AMENDMENTS	31
Section 12.01:	Initiation	31
Section 12.02:	Notice	31
Section 12.03:	Petitions	31
Section 12.04:	Public Hearing	32
Section 12.05:	Notice of Final Action	32
ARTICLE 13.00:	ADMINISTRATIVE PROVISIONS	33

Section 13.01:	Appeals from Rulings on Permits	33
Section 13.02:	Penalty for Violation	33
Section 13.03:	Conflicting Provisions	33
Section 13.04:	Validity	33
ARTICLE 14.00	FEES	34

COVE ZONING ORDINANCE  
ADOPTED BY

ORDINANCE NO. 1984- \_\_\_\_\_

An Ordinance to implement the City of Cove Land Use Plan- Series 1984 by designating, regulating and restricting the location and use of buildings, structures and land for residence, business, trade, industry and other purposes by establishing procedures for the administration, appeal and enforcement of such ordinance, and repealing all previous adopted conflicting ordinances.



ARTICLE 1.00  
INTRODUCTORY PROVISIONS

Section 1.01: SHORT TITLE.

This Ordinance shall be known as the "City of Cove, Oregon Zoning Ordinance – Series 1984" and the map provided herein shall be known as the "City of Cove Zoning Map – Series 1984". Said map and all explanatory matter thereon are adopted as a part of this Ordinance and a current print of the adopted maps or any map amendments shall be maintained in the office of the City Recorder, and a duplicate copy shall be filed in the office of the County Clerk.

Section 1.02: PURPOSE

This zoning ordinance and map have been adopted for the following purposes:

1. To establish the most suitable and desirable use of land, and in general, to promote public health, safety and welfare.
2. To provide for orderly development, and to protect property values.
3. To prevent encroachment of incompatible uses.
4. To maintain stability of area uses.
5. To implement the City's Land Use Plan.
6. To minimize cost of water and sewerage services, as well as police and fire protection.
7. To facilitate provision of other public facilities and services.
8. To minimize traffic congestion and street improvement costs.

Section 1.03: COMPLIANCE

1. A lot may be used and a structure or part of a structure may be constructed, altered, occupied, or used only as this ordinance permits.
2. No lot area, yard, off-street parking or loading area, or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.
3. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open space for another use.



4. No lot or structure shall hereafter be used or occupied contrary to Ordinance No. 1, Series 1971, Defining Nuisances, or Ordinance No.2, Series 1971, Requiring Permits for Building.
5. Any use of any land or any building which deviates from or violates any of the provisions of this Ordinance shall be termed an illegal use and the person or persons responsible therefore shall be subject to the penalties herein provided.

Section 1.04: OWNERSHIP

Any person or persons purchasing property under contract, for the purposes of this Ordinance, shall be deemed to be the owner or owners of the property covered by the contract. The City Council may require satisfactory evidence of such contract to purchase.

ARTICLE 2.00  
DEFINITIONS

Section 2.01

The following words and phrases when used in this Ordinance shall have the meanings attributed to them in this section, excepting in those instances where the context clearly indicates a different meaning.

Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word lot includes the word plot and the word building includes the word structure.

**Access.** The way or means by which pedestrians and/or vehicles enter and leave property.

**Accessory structure or accessory use.** A structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

**Alley.** A street which affords only a secondary means of access to property.

**Automobile wrecking yard.** Any property used for the dismantling and/or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers, or their parts.

**Building.** A structure built or assembled for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**Campground** A development providing for transient lodging accommodations and similar needs resulting from the demand generated by outdoor recreation activities, and which may include structural improvements such as covered cooking areas, lodges or other group facilities, and cabin or travel trailer sites designed for temporary occupancy.

**City.** City of Cove, Oregon, or the Council thereof.

**Community center.** A facility owned and operated by a governmental agency or a non-profit community organization, provided that the primary purpose of the facility is for recreation, social welfare, community improvement, or public assembly, and further provided that no permanent commercial eating or drinking facilities shall be operated on the premises.

**Comprehensive land use plan or land use plan.** Maps and written goals and guidelines related to land use, public facilities and services, transportation, housing and/or urbanization, and adopted by the City as plan for future development, and to promote the public health, safety, and general welfare.

**Development standards.** Policies which have been adopted to provide developers an indication of what may be required of them with respect to development of water improvements, sewerage connections, street, curb or sidewalk construction or similar activities, and to provide city officials a guide to use for construction procedures.

**Dwelling, multi-family** A building or portion thereof, designed for occupancy by three or more families living independently of each other and doing their own cooking in said building and shall include condominium and apartments.

**Dwelling, single family** A detached building containing one dwelling unit and designed for occupancy by one family only.

**Dwelling, two-family.** A detached building containing two dwelling units and designed for occupancy by two families.

**Dwelling Unit** One or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

**Family** An individual or any number of persons related or bearing a generic character living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

**Farm use.** Means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growth cultured Christmas trees as defined in ORS 215.203(3)

**Grade (ground level)**The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

**Height of building** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs

**Home occupation** A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.

**Light Industrial use.** Manufacture, assembly, compounding or processing activities, which are wholly contained in a building and have no external impacts such as noise, dust, smoke, odor or water pollution.

**Lot A** parcel or tract of land

**Lot area** The total horizontal area within the lot lines of a lot exclusive of streets, and easements of access to other property.

**Lot, Corner** A lot abutting on two or more streets other than an alley, at their intersection.

**Lot line, front** The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

**Lot line, rear** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

**Lot line, side** Any lot line not a front or rear lot line.

**Lot width** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

**Mobile home** A trailer house not less than thirty-two (32) feet in body length, exclusive of hitch, which is designed and maintained for long-term permanent occupancy and contains a flush toilet, a tub or shower bath, and kitchen facilities with water and electrical systems connected to outside systems.

**Mobil home park** A lot providing water and electrical hook-ups for two (2) or more mobile homes occupied for living or sleeping purposes, regardless of whether a charge is made for such accommodation.

**Non-conforming structure or use** A lawful structure or use, existing at the time this ordinance or any amendment thereto, becomes effective, and which does not conform to the requirements of the zone in which it is located.

**Owner** Means the party or parties having the fee interest in land, except that where land is subject to a real estate sales contract, owner shall mean the contract vendee and except where land is being transferred through some other land sales instrument owner shall be the purchaser that holds security interest.

**Person** Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

**Recreational Vehicle Park** A plot of ground upon which one or more travel trailers, motor homes, pickup camper or tents occupied for temporary dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

**Skirt** A durable all-weather material having a finished exterior surface surrounding a trailer house and effectively screening the wheels and undercarriage from view.

**Street.** A public or private right-of-way for vehicular traffic.

**Street line** The right-of-way line separating a street from the lot areas.

**Structural alteration** Any change to the supporting members of a building including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

**Structure** Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

**Travel trailer, pickup camper or motor home** A mobile structure not more than eight (8) feet in body width or more than 32 feet in body length designed primarily for temporary occupancy and for travel, recreational, and vacation uses.

**Use** The purpose for which a structure is designed, arranged or intended or for which land is maintained or occupied.

**Yard** An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

**Yard, front** An open, unoccupied space on the same lot with a building, measured between the nearest front line of the building and the street line of the lot. In the instance of a corner lot, the front yard shall be on the narrowest street frontage, and the street side yard on the widest street frontage.

**Yard, rear** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, or the main high water line when applicable, to the nearest part of the main building.

**Yard, side** A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the main building.

**Yard, street side** A yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

ARTICLE 3.00  
CLASSIFICATION OF ZONES

Section 3.01: ZONES.

For the purposes of this ordinance, the City of Cove is hereby divided into the following zones:

Zone Name	Abbreviation
Residential	R-1
Low Density Residential	R-2
Commercial	C-1
Public/Semi-Public	P

Section 3.02: ZONING MAPS & BOUNDARIES

Boundaries of the proceeding zones (section 3.01) are indicated on the map entitled "City of Cove Zoning Map – Series 1984". Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of streets or such lines extended, or other similar lines.



ARTICLE 4.00  
RESIDENTIAL (R-1) ZONE

Section 4.01: PURPOSE

The Residential (R-1) Zone is intended to provide minimum standards for residential development of land where single or two-family dwellings can be provided on a lot.

Section 4.02: USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in a R-1 Zone:

1. Single or two family dwellings
2. Mobile homes on individual lots meeting specific standards in Section 4.05
3. Farm use, except as restricted by specific standards in Section 4.05

Section 4.03: CONDITIONAL USES

The following uses and their accessory uses may be established in an R-1 Zone as conditional uses subject to the approval of the City Council:

1. Cemetery
2. Church
3. Community Center, day care center or nursery school
4. Governmental structure or use
5. Home occupation (see Section 9.04)
6. Mobile home park (see Section 9.04)
7. Multi-family dwelling (see Article 11.00)
8. Private or public park or recreation use
9. Private or public school
10. Private or public utility or service facility use



#### Section 4.04: LOT SIZE AND DIMENSIONS.

Except as provided in other sections of this ordinance, the following lot sizes and dimensions shall apply in an R-1 Zone.

1. Lots shall have 10,000 square feet for the first dwelling unit and 2,500 square feet more for each additional dwelling unit
2. Minimum lot width and depth are 100 feet

#### Section 4.05: DEVELOPMENT STANDARDS

1. Setback Requirements. Setback requirements shall be 20 feet front, 10 feet side and 15 feet rear. Both street frontages of corner lots shall be considered front yards.
2. Building Heights. No building shall exceed 35 feet in height, except as provided in Section 8.04.
3. Standards for Mobile Homes. Mobile Homes may be located on individual lots in the Residential Zone providing the following conditions are satisfied:
  - A. The lot and mobile home must be in the same ownership.
  - B. Lot size, setback and other applicable standards of the Residential Zone must be met
  - C. The unit must be skirted, placed on a permanent foundation and anchored to avoid wind damage.
  - D. The mobile home must have separate water supply and sewage disposal systems from other residences, mobile homes, or other uses.
  - E. The lot must be landscaped and maintained in similar fashion to vicinity residences.
4. The keeping of horses, cows, sheep or goats is allowed, provided the following requirements are met. No swine shall be kept in the City.
  - A. The land must be owned or leased by the owner of the animal(s)
  - B. At least 7,500 square feet must be provided for each horse, cow, or two (2) sheep or goats over six (6) months of age.

ARTICLE 5.00  
LOW DENSITY RESIDENTIAL (R-2) ZONE

Section 5.01:     PURPOSE

The Low Density Residential (R-2) Zone is intended to provide areas for large lot residential development in those areas where geologic hazards, such as steep slopes, limit density of development.

Section 5.02:     USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in an R-2 Zone:

1. Any use permitted outright in the R-1 Zone

Section 5.03:     CONDITIONAL USES

The following uses and their accessory uses may be established in an R-2 Zone as conditional uses subject to the approval of the City Council:

1. Any use permitted as a conditional in an R-1 Zone.

Section 5.04:     LOT SIZES AND DIMENSIONS

Except as provided in other sections of this ordinance, the following lot sizes and dimensions shall apply in an R-2 Zone.

1. Lots shall have a one (1) acre or 43,560 square foot minimum lot size for the first dwelling and an additional 21,780 square foot for each additional dwelling unit.
2. Minimum lot width and depth are 100 feet.

Section 5.05:     DEVELOPMENT STANDARDS

The development standards in the R-2 Zone shall be the same as the development standards in the R-1 Zone

ARTICLE 6.00  
COMMERCIAL ZONE

Section 6.01:     PURPOSE

The commercial (C-1) Zone is intended to provide minimum standards for a broad range of commercial activities and allow for light industrial uses which are compatible with adjacent land use practices.

Section 6.02:     USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in the C-1 Zone:

1. One and two-family dwellings
2. Mobile homes on individual lots meeting specific standards in section 4.05
3. Retail selling of primary shelf goods, i.e., food store, drug store, hardware store, etc.
4. Professional office
5. Eating or drinking establishment
6. Commercial recreation facility
7. Bank or other financial institutions
8. Furniture and household furnishing sales and service
9. Repair of items sold by a use permitted outright
10. Beauty shop, barber shop or related personal service.

Section 6.03:     CONDITIONAL USES

The following uses and their accessory uses may be established in a C-1 Zone as conditional uses subject to the approval of the City Council:

1. Any use permitted as a conditional use in the Residential R-1 Zone and not listed as a permitted use in the C-1 Zone.
2. Hotel and motel and their accessory uses.
3. Bus depot

4. Indoor theatre
5. Taxi service
6. Service station or repair garage, if all operations are conducted entirely within a completely enclosed building. Where a service station or repair garage is located on a lot which does not abut upon an alley and is within fifty (50) feet of a lot in any residential zone, the garage wall, which parallels the nearest line of such Zone, shall have no openings other than stationary windows.
7. Light industrial use meeting Site Plan approval in Article 11.00
8. Based upon finding the following the City Council may approve other uses similar to those enumerated and consistent with the purposes and intent of this Zone if:
  - a. The proposed use is similar to uses listed as outright or conditional in the C-1 Zone.
  - b. The proposed use will be compatible with the traffic flow of vehicles and/or pedestrians frequenting the area for similar commercial uses.
  - c. The site plan and use are compatible with surrounding uses and the intent of this Zone.
  - d. The proposed use can comply with the standards of this Zone.

#### Section 6.04: LOT SIZES AND DIMENSIONS

Except as provided in other sections of this ordinance, the following lot sizes and dimensions shall apply in a C-1 zone.

1. Lots adjacent to, or to be used for, residential purposes shall meet the lot size and dimension standards in Section 4.04 of the R-1 zone
2. Minimum lot dimensions for uses other than those identified in 1, above shall be 5,000 square feet, having a minimum 50 foot width and 100 foot depth.
3. Lots for multi-family, commercial and light industrial uses shall have adequate size and dimension as necessary for traffic circulation, off-street parking, loading and unloading and similar activities.

#### Section 6.05: DEVELOPMENT STANDARDS

1. Setback Requirements

- a. Lots adjacent to, or to be used for, residential purposes shall meet the setback requirements in Section 4.05 of the R-1 zone
  - b. No minimum setback shall be required for lots to be used other than those identified in 1.a. above.
2. Building heights. No building in a C-1 Zone shall exceed 35 feet in height, except as provided in Section 8.04
3. Site Plan Review. Multi-family dwellings, commercial and light industrial uses shall submit to the City Council a Site Plan in accordance with Article 11.00 of this ordinance, for review and approval prior to issuance of a building permit.

ARTICLE 7.00  
PUBLIC/SEMI-PUBLIC (P) ZONE

Section 7.01: PURPOSE

The Public/Semi-Public (P) Zone is intended to provide minimum standards for public and semi-public uses.

Section 7.02: USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in the P Zone:

1. Public and private schools
2. Church
3. Public and private parks, playgrounds and campgrounds
4. Lodge or community center
5. Cemetery
6. Caretaker dwelling
7. Farm use

Section 7.03: CONDITIONAL USES

The following uses and their accessory uses may be established in a P Zone as conditional uses subject to the approval of the City Council:

1. Government office buildings
2. Based upon finding the following the City Council may approve other uses similar to those enumerated and consistent with the purpose and intent of this zone if :
  - a. The proposed use is similar to uses listed as outright or conditional in the P zone
  - b. The proposed use will be compatible with the traffic flow of vehicles and/or pedestrians frequenting the area for similar public uses.
  - c. The site plan and use are compatible with surrounding uses and the intent of this Zone.
  - d. The proposed use can comply with the standards of this Zone

#### Section 7.04: LOT SIZE AND DIMENSIONS

Except as provided in other sections of this ordinance, the following lot sizes and dimensions shall apply in a P zone.

1. Lots adjacent to, or to be used for, residential purposes shall meet the lot size and dimensions standards in Section 4.04 of the R-1 zone.
2. No minimum lot size or dimensions are required for lots to be used other than those identified in 1.above

#### Section 7.05: DEVELOPMENT STANDARDS.

1. Setback Requirements.
  - a. Lots adjacent to, or to be used for residential purposes shall meet the setback requirements in Section 4.05 of the R-1 zone
  - b. No minimum setback shall be required for lots to be used other than those identified in 1.a above.
2. Building Heights. No building in a P Zone shall exceed 35 feet in height, except as provided in Section 8.04
3. Site Plan Review. All proposed structural development shall submit to the City Council a Site Plan in accordance with Article 11.00 of this ordinance for review and approval prior to issuance of a building permit.

ARTICLE 8.00  
PROVISIONS APPLICABLE TO ALL ZONES

Section 8.01: PERMIT APPROVAL

No building or structure shall be erected, enlarged, altered, rebuilt, remodeled, or moved onto any lot and no permits shall be issued therefore unless the parcel upon which the building or structure is proposed meets the following requirements.

1. The use is in accord with this ordinance, and access, lot size; dimension and setback requirements can be met.
2. Subdivision or partition requirements have been met

Section 8.02: LOT SIZE EXCEPTION

A legally created substandard lot or lots of official record at the time of the enactment of this ordinance that does not contain sufficient area to conform to the yard or other development standards of this ordinance may be used as a building site, provided that, in the opinion of the City Council, the area of the lot and other dimension and development standards conform closely to the specific requirements of the applicable zone.

Section 8.03: FRONT YARD EXCEPTION

The front yard requirements of this ordinance shall not apply where the average depth of the existing front yard on developed lots, located within 100 feet on each side of the lot and within the same block and zone, and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases the depth of the front yard on such lots shall not be less than the average existing front yard depth on the developed lots.

Section 8.04: HEIGHT LIMITATIONS EXCEPTION

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

Section 8.05: NON-CONFORMING USES

1. Continuation. Subject to other provisions of this Section, a non-conforming structure or use may be continued, but shall not be changed, altered, or extended except when the following conditions are found by the City Council.
  - a. That such structure is suitable for such change, alteration or extension, and the result is not more incompatible or detrimental to surrounding properties than the previous use.



- b. That an alteration or extension of the non-conforming use would not operate to lessen the value of property in the same zone and reasonably adjacent to the property concerned.
- c. That in the logical development of the area in which the non-conforming use is located the zone will be changed within a reasonable period of time to one in which the non-conforming use would no longer be such a use.
- d. That in the opinion of the Council alteration or expansion should be permitted.

The extent of such change, alteration or expansion shall be prescribed by the Council in connection with its findings. The procedure to be followed and the fees to be charged on an application for permission to change, extend or alter a non-conforming use shall be substantially the same as in the case of a conditional use.

- 2. Non-conforming Structure. A structure conforming as to use but non-conforming as to height, setback or coverage may be altered or extended providing the alteration or extension is in conformance with this ordinance.
- 3. Expansion. A legally created non-conforming use existing at the time of adoption of this ordinance, or any revision thereof, may be expanded if such expansion is not detrimental to the public health, safety and general welfare, and determined by the Council following conditional use hearing procedures to be in compliance with all State and local laws.
- 4. Discontinuance of a Non-conforming Use.
  - a. If a non-conforming use involving a structure is discontinued for a period of one year, or if a non-conforming mobile home is removed from the site for a period of one year, further use of the property shall conform to this ordinance.
  - b. If a non-conforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this ordinance.
  - c. A non-conforming use determined by the Council to be detrimental to the public health, safety or welfare shall be discontinued after a period of time determined by the Council at a public hearing to be the amortized life of the use.
- 5. Change of a Non-conforming use. Except as indicated above, if a non-conforming use is changed, it shall be changed to a use conforming to the zoning regulations and after change shall not be changed back again to the original non-conforming use.

6. Destruction. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding eighty (80) percent of its fair market value as indicated by the records of the County Assessor and is not returned to use within two (2) years from the date of destruction, a future structure or use on the site shall conform to this ordinance except that replacement of non-conforming signs shall be in accordance with the provisions of this ordinance.

#### Section 8.06: COMPLETION OF BUILDINGS

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, provided the building, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time the building permit is issued.

#### Section 8.07: UNOCCUPIED BUILDINGS

If a building is unoccupied on the effective date of this ordinance then the last use of evidence shall be considered to be its use of record and the one year period of discontinuance allowed by Section 8.05,4. shall commence on the effective date of this ordinance.

#### Section 8.08: OFF-STREET PARKING

The following off-street parking requirements shall be provided at the time a building or structure is constructed or substantially altered, or there is a change in use of an existing structure:

1. Residences or other dwelling units.
  - a. Two spaces per single-family, duplex, or mobile home residence
  - b. One and one-half spaces each for three or more dwelling units.
  - c. Off-street parking spaces for dwelling shall be located on the same lot with the dwelling.
2. Other uses.
  - a. Assembly-type use – 1 space/100 square feet of assembly area
  - b. Motel or resort – 1 space/unit
  - c. Office or retail – 1 space/300 feet of area

- d. Restaurant or Tavern – 1 space/200 square feet of seating area
  - e. Warehouse – 1 space/2000 square feet of warehouse area
  - f. Other uses – as determined by the Council
3. Off-street parking spaces shall not be located in the required yard areas of any building or structure.

#### Section 8.09: OFF-STREET LOADING

Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading spaces in sufficient number and size to adequately handle the needs of the particular use.

#### Section 8.10: ACCESS

No dwelling shall be erected on a lot which does not abut at least one public street for a minimum distance of twenty (20) feet. All new lots created through partitioning or subdivision procedures shall abut a street.

#### Section 8.11: VISION CLEARANCE

Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area.

1. Vision clearance area shall be a triangular area on a lot at the intersection of two streets, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in 2.a or b. below. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines will be extended in a straight line to a point of intersection.
2. The vision clearance area shall contain no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height measured from the grade of the street center line. Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance.
  - a. In a residential zone, the minimum distance shall be thirty (30) feet including an alley.
  - b. In other zones, the minimum distance shall be fifteen (15) feet, or, at intersections including any alley, ten (10) feet, except that when the angle of intersections between streets other than an alley is less than thirty degrees the distance shall be twenty-five (25) feet.

## Section 8.12: ACCESSORY USES

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

1. An accessory structure or use shall only be approved provided the principal use has been established.
2. An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line.
3. Fences, hedges, and walls may be located within required yards, but shall not exceed three and one-half (3 ½) feet in height in any required yard which abuts a street other than an alley

## Section 8.13: TEMPORARY USE

The City Council may issue a temporary use permit to allow the short-term use of a site by a mobile or temporary structure or activity. Such structures or activities may not be ordinarily allowed in the particular zone, but are necessary for some useful purpose, and, because of the temporary nature, will not adversely impact the neighborhood or city. The City Council may require that certain measures be taken to protect neighboring uses or the city as a whole. Temporary use permits will be processed in the same manner as conditional use permits and may be granted for any period of time up to one year, subject to renewal if necessary.

## Section 8.14: HISTORICAL SITES AND STRUCTURES

The purpose of this section is to protect and regulate specific buildings and sites identified in the Land Use Plan as having special or significant historic associations or architectural merits, as a part of the heritage of the citizens of the City. It is not the intent or purpose of this section however, to regulate the specific use of a historic building or site beyond that provided in the applicable zoning classification and other sections of this ordinance.

### 1. Permits.

Prior to any alteration, expansion, destruction or removal of a historical site or structure identified as such in the Land use Plan and on the Zoning Map the following procedures shall be followed.

- a. An application made to the City Council identifying the proposed activity.

- b. The application be placed on the City Council agenda and a public notice given at least 15 days in advance of a public hearing
  - c. A public hearing to be held by the City Council to review the proposed activity and determine the impact on the historical character of the site or structure.
2. Subsequent to City Council review and impact analysis a thirty (30) day period will be provided for public pursuit of alternative courses of action to assure preservation of the historic characteristics of the site or structure.
  3. Prior to issuing a building permit for the alternation, expansion, destruction or removal of the historic site or structure written approval from the City Recorder shall be issued subsequent to the thirty (30) day period allowed for the public pursuit of alternatives.

#### Section 8.15: RIPARIAN SETBACK

In order to maintain vegetative cover within riparian habitats along Mill Creek a setback for any new development such as structures or roads shall be required on a sliding scale proportional to one-half the stream width, at right angles to the annual high-water line or mark. A minimum of 25 feet either side of Mill Creek will be recognized. Woody vegetation presently existing in the riparian zone shall be maintained, however, thinning or harvesting of merchantable tree species may occur within the riparian zone where 75% of the existing shade over the stream is maintained.

ARTICLE 9.00  
CONDITIONAL USES

Section 9.01: AUTHORIZATION

Uses designated in this ordinance as permitted conditional uses may be permitted or enlarged or altered upon approval by the City Council in accordance with the standards and procedures specified in this article. Changes in use, expansion or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this ordinance shall conform to all regulations pertaining to conditional uses.

Section 9.02: APPLICATION FOR CONDITIONAL USES

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or an authorized agent by filing an application with the City Council. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, and the names of record and addresses thereof for all landowners within 300 feet of the parcel in question. The Council may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

Section 9.03: NOTICE OF HEARING ON CONDITIONAL USE

Before a conditional use or modification of an existing conditional use is allowed, it shall be considered at a public hearing by the City Council. The public hearing before the City Council shall be held within forty (40) days after the application is filed. The City council shall give notice of the hearing in the following manner:

1. By publishing notice of the public hearing in a newspaper of general circulation within the City at least ten (10) days preceding the hearing.
2. By sending a copy of the notice to all landowners within 300 feet of the parcel in question. Such notice to be sent not less than 10 days prior to the hearing.

Section 9.04: COUNCIL ACTION

The City Council may approve, conditionally approve or deny a conditional use application.

In addition to the general requirements of this ordinance, in granting a conditional use, the City Council may attach conditions which it finds are necessary to carry out the purposes of this ordinance.

1. City Council action on a conditional use request shall recognize, but not be limited to the following:

- a. Land Use Plan provisions for the area.
  - b. Compatibility with adjacent land use practices
  - c. Ability to meet utility needs
2. In considering a conditional use, the City Council may set time limits or require other conditions as they determine desirable to minimize any adverse effects which might be attributed to the use. Such conditions may include but are not limited to the following;
- a. Increasing the required lot size or yard dimensions
  - b. Limiting the height of buildings
  - c. Controlling the location and number of vehicle access points
  - d. Increasing the street width
  - e. Increasing the number of required off-street parking spaces
  - f. Limiting the number, size, location and lighting of signs
  - g. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property
  - h. Designating sites for open space
  - i. Setting a time limit for which the conditional use is approved
  - j. Site reclamation upon discontinuance of use
3. In addition to any of the above general conditions required, the following specific standards shall apply:
- a. Home Occupations
    - (1) The home occupation shall be secondary to the main use of the property as a residence
    - (2) The home occupation shall be limited to either an accessory structure or to not over twenty-five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor areas.

- (3) Structural alterations shall be minimized and shall not detract from the outward appearance of the property as a residential use
- (4) Not more than one person other than the immediate family residing in the dwelling is to be engaged in the home occupation
- (5) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- (6) No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience to residents or so as to necessitate off-street parking shall be allowed
- (7) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion

b. Mobile Home Parks

- (1) At least two acres shall be included in the park
- (2) Setbacks shall be 20 feet front yard and 10 feet all other yards. Mobil homes shall be 15 feet from any structure within or outside of the park boundary except for attached car ports
- (3) Minimum area and dimensions for each space are 5,000 square feet and 100 feet X 50 feet respectively
- (4) Minimum street surface width shall be 24 feet. Streets shall be paved or surfaced with oil mat when accessed from a paved or oil mat street. Street design shall be approved by the City Council prior to initiating construction.
- (5) At least one surfaced, off-street parking space per unit shall be provided. Such space shall not be located within required setback areas.
- (6) Sight-obscuring fencing and/or landscaping may be required by the City Council on every side of the park

Section 9.05: RECESS OF HEARING

The City Council may recess a hearing on a conditional use request in order to obtain additional information or to notify additional property owners who it believes may be interested in the proposed conditional use. Upon recessing, the City Council shall announce the time and date when the hearing will be resumed.



Section 9.06: NOTIFICATION OF ACTION

The City Council shall notify the applicant in writing of the action of the Council within five (5) working days after the decision has been rendered.

Section 9.07: TIME LIMIT ON A CONDITIONAL USE

Authorization of a conditional use shall be void after one (1) year unless substantial construction pursuant thereto has taken place. A one-year time extension may be granted by the City Council if the applicable land use regulations and proposed use are unchanged.

Section 9.08: REVOCATION OF A CONDITIONAL USE PERMIT

Any permit granted hereunder shall be subject to denial or revocation by the City Council if it is ascertained that the application includes or included any false information, or if the conditions of approval have not been complied with or are not satisfied.

1. In order to consider revocation of a conditional use permit the City Council shall hold a public hearing as prescribed under this section in order for the permit holder to show cause why such permit should not be revoked
2. If the City Council finds that the conditions of permit approval have not been complied with or are not satisfied, a reasonable time shall be given for rectification, and if corrections are not made within that time, revocation of the permit shall become effective ten (10) days after the time specified.
3. Reapplication for a conditional use permit cannot be made within one (1) year after revocation except that the City Council may allow a new application if in its opinion new evidence or a change in circumstances warrant it.

## ARTICLE 10.00

### VARIANCES

#### Section 10.01: AUTHORIZATION TO GRANT OR DENY VARIANCES

The City Council may approve or conditionally approve a modification to the lot size or dimension and development standards of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of the ordinance.

#### Section 10.02: REQUIRED CONDITIONS

Variance applications shall be denied by the City Council unless the applicant or an authorized agent can demonstrate to the Council's satisfaction that all of the conditions exist.

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
2. The modification will not materially alter the stability of the land use pattern of the area and will not set a trend
3. The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to other property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.
4. The variance requested in the minimum modification needed from the provisions and standards of the ordinance which will alleviate the hardship on the land.

#### Section 10.03: PROCEDURE

The procedures for a variance shall be substantially the same as procedures for a conditional use. An application for a variance shall be filed according to Section 9.02, public notice shall be given according to Section 9.03 and Council action shall be carried out according to Section 9.04.

#### Section 10.04: TIME LIMIT ON A VARIANCE

Authorization of a variance shall be void after one (1) year unless substantial construction pursuant thereto has take place. A one-year time extension may be granted by the City Council if the applicable land use regulations and proposed use are unchanged.

ARTICLE 11.00  
SITE PLAN REVIEW

Section 11.01: PURPOSE AND INTENT

The purpose of this Article is to explain the type of information which must be included on all site plans as well as explain the site plan review process. Compliance with this Article is necessary, where required by this ordinance, prior to a building permit being issued.

Section 11.02: SITE PLAN CONTENTS

All site plans shall include the following information as well as any additional information which may be required by the City Council:

1. Lot dimensions
2. Existing and proposed structures – location, dimensions, height, size and type.
3. Existing and proposed fences and signs – height, size and type
4. Off-street parking – location, number and size of spaces, traffic flow
5. Access points – including loading and unloading areas
6. Existing and proposed lighting
7. Landscaping – type of irrigation
8. All existing and proposed utility lines and size
9. The most detailed elevation lines available from USGS Quad maps or actual survey

Section 11.03: COMPLETE INFORMATION

Site plans shall be submitted to and reviewed by the City Council unless otherwise specified under the individual zones or ordinance provision. Said site plan shall be accepted only if all the necessary information is provided in diagram form or written explanation and accompanied by any necessary filing fee. The site plan will be either approved, conditionally approved pending modification, or denied.

Section 11.04: REVIEW CRITERIA

All site plans shall be reviewed to determine their compliance with the purpose and intent of the applicable portion of the ordinance where they are to be constructed. If the proposed site plan would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of the property in the vicinity by the

occupants or endanger the public peace, health, safety or general welfare, such site plan shall be denied.

#### Section 11.05: PERFORMANCE AGREEMENT

1. A signed performance agreement shall be required and a bond, cash deposit, or other mutually agreeable means of insuring compliance may be required in order to insure completion of the approved site plan
2. No deviation from the approved site plan will be permissible without approval of the City Council.

ARTICLE 12.00  
AMENDMENTS

Section 12.01: INITIATION

The City Council may on its own motion, or upon property owner petition, after public notice and hearing, amend the text of the Cove Land Use Plan, Zoning Ordinance or Partition and Subdivision Ordinance and change plan and zone boundaries.

Section 12.02: NOTICE

1. A Plan or Zoning map change may be made only after notice to the owners of record of the properties within the area proposed for change, and to those other property owners of record within the area determined by the City Council to be that logical for inclusion in the changes, and to those property owners within 200 feet of such areas. Width of streets and of alleys shall be excepted in the measurement of areas mentioned above.
2. The City Council shall give notice of a public hearing by publication in a newspaper of general circulation within the City at least ten (10) days preceding the hearing.
3. A proposal to amend the Land Use Plan, Zoning Ordinance, Partition and Subdivision Ordinance or to change or adopt a new land use regulation shall be submitted to the Director of the Oregon Dept. of Land Conservation and Development at least 45 days before the final City Council hearing on adoption. The Proposal submitted shall contain four (4) copies of the text and any supplemental information the City believes is necessary to inform the Director of DLCD as to the effect of the proposal and shall indicate the date of the final hearing on adoption by the City Council.

Section 12.03: PETITIONS

1. All plan or zoning map changes except those initiated by the City Council shall be made upon petition bearing the signatures of 50 or more percent of the owners of record of the property within the area proposed for amendment, and within 200 feet from the boundaries of such area, width of streets and alleys excepted. Such petition shall properly identify the property proposed for amendment and shall contain the correct addresses of those owners of record concerned in the area proposed for amendment and within all surrounding areas as set forth above.
2. The petition shall set forth the proposed change and the reason for the change in question. Prior to any hearing, the City Council shall review the petition and determine if additional area should be include for amendment consideration.

3. The costs to consider any amendment not initiated by the City Council shall be paid by the petitioners prior to the hearing.

#### Section 12.04: PUBLIC HEARING

1. The City Council shall afford all interested persons an opportunity to be heard on the amendment proposal, at a public hearing. The time and place of same to be stated in notices mailed to the last known addresses of all property owners of record within the area proposed for amendment and in the contiguous area, as set forth above.
2. Notice of said public hearing shall be published in accord with State law, and in no case shall be published less than once within the week in which the meeting is to be held and shall state the facts pertinent to the hearing. If a petition is presented protesting against said amendment proposal, duly signed by 51 or more percent of the owners of record, of the area proposed for amendment and the area within 200 feet of such as defined above, then, the proposed amendment shall not be allowed.

#### Section 12.05: NOTICE OF FINAL ACTION

Notice of City Council final action shall be given in the following:

1. The signed copy of each amendment to the Land Use Plan or a land use regulation shall be maintained on file in the office of the City Clerk. Additional copies shall be made available to the public.
2. Four (4) copies of the ordinance amending the Land Use Plan or land use regulation, or new land use regulations and findings to support the adoption shall be mailed or otherwise submitted to the Director of the Oregon DLCD with five (5) days after the final decision by the City Council.

ARTICLE 13.00  
ADMINISTRATIVE PROVISIONS

Section 13.01: APPEALS FROM RULINGS ON PERMITS

Any person or group having standing may appeal to the City Council any ruling pertaining to the granting or denial of any permit applied for hereunder when such ruling is adverse to their interests, by filing with the City Recorder within ten (10) days from such ruling a written notice stating with reasonable accuracy the particular ruling from which the appeal is made, and state the grounds therefor. There upon the Recorder shall obtain all papers constituting the record upon which the appeal is based and refer the same to the City Council. The City Council may request any additional evidence as it deems relevant to the issues involved and within thirty (30) days and after a public hearing thereon, the City Council shall have the power to affirm, overrule, or alter any such ruling.

Section 13.02: PENALTY FOR VIOLATION

The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or be maintained, and any architect, builder, or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this ordinance or who shall fail to comply therewith, or who shall build in violation of any detailed statement of plan submitted and approved thereunder, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and , upon conviction, shall be fined not more than \$500. Each day that a violation of this ordinance continues shall be considered a separate offense.

Section 13.03: CONFLICTING PROVISIONS

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Specifically, the May 17, 1977 City of Cove Zoning Ordinance is repealed and replaced by this ordinance.

Section 13.04: VALIDITY

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except the part declared invalid.



ARTICLE 14.00  
FEES

The following fees shall apply for application made under this ordinance.

Conditional use \_\_\_\_\_

Variance \_\_\_\_\_

Amendment \_\_\_\_\_

Site Plan Review \_\_\_\_\_

Appeal \_\_\_\_\_