

## CHAPTER 3

### ARTICLE 1 Introductory Provisions

#### SECTION 3.1.010 Preface

In order to achieve the purposes outlined in Chapter 1 of this Ordinance and to assure that the development and use of land in Douglas County conforms to the Comprehensive Plan, zoning classifications have been established for all unincorporated lands in Douglas County. These classifications specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Douglas County Zoning maps, unless otherwise provided by agreement with the cities of Douglas County wherein land use planning jurisdiction is surrendered to such cities over certain unincorporated areas within their Urban Growth Boundaries but outside the corporate limits of such cities.

#### SECTION 3.1.020 Zone Classifications

For the purpose of this ordinance, the following zones are hereby established:

<u>ZONE CLASSIFICATION</u>	<u>ABBREVIATION</u>
Timberland Resource	TR
Exclusive Farm Use-Grazing	FG
Exclusive Farm Use-Cropland	FC
Farm-Forest	FF
Agriculture and Woodlot	AW
Public Reserve	PR
Rural Residential-5	5R
Rural Residential-2	RR
Rural Residential-1	1R
Suburban Residential	RS
Single Family Residential	R-1
Multiple Family Residential	R-2
Residential-High Density and Professional Office	R-3
Limited Commercial	C-1
Tourist Commercial	CT
Community Commercial	C-2
General Commercial	C-3
Rural Service Center Commercial	CRS
Rural Community Commercial	CRC
Rural Commercial	CRE
Water-Oriented Tourist Commercial	WOCT
Water-Oriented Commercial Recreation	WOCR
Marine Commercial	MC
Light Industrial	M-1
Medium Industrial	M-2
Heavy Industrial	M-3

ZONE CLASSIFICATION (Cont'd)ABBREVIATION

Rural Community Industrial	MRC
Rural Industrial	ME
Marine Industrial	MRI
Estuarine Natural	EN
Estuarine Conservation	EC
Estuarine Development	ED
Conservation Shorelands	CS
Marine Rural	MR
Water Impoundment	WI

**SECTION 3.1.030 Location of Zones**

The boundaries for the zones listed in this Ordinance are indicated on the Douglas County Zoning Maps which are hereby adopted by reference.

**SECTION 3.1.040 Zoning Maps**

The Douglas County Zoning Maps and Overlay Maps are digitized and consist of a computer file that is backed up to ensure that the electronic information is protected. A hard copy of the current digital maps is located at the County Planning Department Office. Digitized maps for Mineral Resources, Riparian Corridors, Floodplains and Coastal Goal issues are graphic representations and must be used in conjunction with the hard copy Plan overlay mapping. The Douglas County Zoning Maps and overlay maps are certified by the Director as being the official zoning and overlay maps adopted by reference in §3.1.030. Hard copies of all county zoning and overlay maps are located at the Planning Department.

**SECTION 3.1.050 Amendment of Maps**

Whenever it is necessary to amend the zoning maps to conform with an amendment to this Ordinance, or an Administrative Action, or to correct a cartographic error, the Director shall so change the maps and annotate the cover sheet to indicate the date of and the reason for the change including a reference to the Ordinance or Administrative Action number. The Director shall certify that the official maps have been changed in conformance with the amending Ordinance or Administrative Action or to correct a cartographic error.

**SECTION 3.1.060 Location of Maps**

There shall be only one set of official Zoning Maps which shall be located in the office of the Director as long as this Ordinance remains in effect.

**SECTION 3.1.070 Interpretation of Zone Boundaries**

Whenever an uncertainty exists as to the boundary of a zone as shown on the official Zoning Maps, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lines shall be construed to follow such plat lines.
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits.
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easements whichever is applicable.
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow said centerlines.
6. Boundaries indicated as following shorelines shall be construed to follow the mean high water line.
7. Boundaries indicated as parallel to or extension of features indicated in Subsections 1 through 5 of this Section shall be so construed.
8. Where physical features existing on the ground are at variance with those shown on the official Zoning Maps, or in other circumstances not covered by Subsections 1 through 5 of this section, the Director shall interpret the zone boundaries, and if necessary, may refer the matter to the Commission for their interpretation, pursuant to §1.060.
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property on which the vacated area becomes a part shall apply.

### **SECTION 3.1.080 Overlay Districts**

Any portion of a zone district may be subject to additional consideration by the establishment of regulations that “overlay” the parent district. These “overlay districts” may be applied singularly, or in any combination thereof, and are designed to ensure that the various considerations contained in the text of such overlay districts are employed in using and developing land subject to an overlay district.

Development in any area subject to an overlay district shall be undertaken only after Administrative Action procedures have been followed, and then only in accordance with conditions imposed under §2.120.4 of this Ordinance and the regulations of both the overlay district and the underlying zone.

Overlay districts employed in this Ordinance include the following:

#### **1. Floodplain Overlay (FP)**

A district shall be given a floodplain overlay (FP) designation when such district has been identified as subject to periodic inundations as mapped by the Federal Insurance Rate Maps (FIRMs) from the Federal Emergency Management Agency (FEMA). Since such inundation adversely affects the public health, safety and

general welfare, development in said district shall be in conformance to the provisions of Article 30 of this Chapter, in addition to the requirements of the underlying zone.

**2. Mineral Resources Overlay (MO)**

The Mineral Resources Overlay (MO) is designed to conserve prime mineral resource sites from conflicting uses and promote nonpreemptive uses of these needed sites. The overlay is designed to ensure that structural development on mineral sites does not preclude the future availability and use of the mineral resource. Sites are identified on the 3C Mineral Resource Sites Table under the Mineral and Energy Resources section of the Natural Features Element of the Comprehensive Plan and development at these sites is subject to the provisions of §3.32.100 of this Ordinance.

**3. Riparian Vegetation Corridor Overlay (RVCO)**

The Riparian Vegetation Corridor Overlay (RVCO) shall apply to all properties and land use designations located within 50 feet of the bankline of all perennial and intermittent water courses in Douglas County as identified on the Plan map. Development shall be subject to the provisions of §3.32.200 of this Ordinance.

**4. Peripheral Big Game Habitat Overlay (BGHO)**

The Peripheral Big Game Habitat Overlay (BGHO) is designed to preserve identified peripheral habitat areas by providing supplementary development standards which promote an area-wide dwelling density consistent with such habitat management. Development shall be subject to the provisions of §3.32.300 of this Ordinance.

**5. Natural Area Overlay (NAO)**

The NAO overlay classification is intended to preempt conflicting uses in areas identified by the Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. Development is subject to conditional use review and the provisions of §3.32.600 of this Ordinance.

**6. Significant Wetlands Overlay (SWO)**

The Significant Wetlands Overlay (SWO) shall apply to major swamps, bogs, marshes and transitional lands identified by the Oregon Department of Fish and Wildlife as having good to excellent wetland qualities and designated on the Significant Wetlands maps of the Comprehensive Plan. The SWO shall require an additional development standard in designated resource areas subject to the provisions of §3.32.700 of this Ordinance. Development in the areas zoned for nonresource use shall not be subject to the provisions of this overlay.

**7. Beaches and Dunes Overlay (BD)**

The Beaches and Dunes (BD) overlay district is designed to preserve beach and dune areas containing significant natural resource values and to protect development in these areas from flooding, erosion and damage from moving sand. Uses are permitted, subject to the provisions of the underlying zone, and Articles 33 and 36 of this Chapter.

**8. Shorelands Overlay (SO)**

The Shorelands Overlay (SO) designation is intended to apply to those shoreland areas designated "Urban Other", "Rural Conservation" and "Rural Other" in the Comprehensive Plan. These shoreland areas are not suitable or needed for water-dependent or water-related uses and do not contain significant natural resources. The purpose of the overlay district is to protect the public interest in shorelands. Development within such district shall be reviewed and approved pursuant to §2.060.1 and Article 34 of this Ordinance.

**9. Design Review Overlay (AC)**

Any portion of any zoned district may be subject to the Design Review Overlay (AC) to ensure that the architectural design, landscaping, yard width and depth, method of ingress and egress, and other special site design features are of such standards as to achieve attractive communities and safe thoroughfares. Within the Design Review Overlay, all development plans, specifications and uses must be reviewed and approved pursuant to §3.35.300 of this Ordinance.

**10. Cultural, Historic and Archaeological Resources Overlay (CHA)**

Development may be permitted in identified resource areas that are controlled by CHA designation subject to the provisions of §2.060.1 and §3.35.400 of this Ordinance.

**11. Geologic Hazards Overlay (GH)**

The Geologic Hazards (GH) Overlay is particularly applicable to areas of active or potential mass movement (land-slide areas) and to all areas over 25% slope. Prior to development approval, assurance shall be made that the public health, safety and welfare is not jeopardized by the land use or development being proposed. Such approval shall be pursuant to §2.060.1 and §3.35.500 of this Ordinance.

**12. Potential Water Impoundment Overlay (WO)**

The Potential Water Impoundment Overlay (WO) classification is intended to protect resource areas identified as potential water impoundment sites in the Comprehensive Plan from significant conflicting uses. The overlay zone protects these sites from irreversible loss for water impoundment use while permitting nonpreemptive underlying uses, subject to the provisions of §3.35.600 of this Ordinance.

**13. Dredge Material Disposal & Mitigation Site Overlay (D/MO)**

The Dredge Material Disposal and Mitigation Site Overlay (D/MO) classification is intended to protect dredge material disposal sites and mitigation sites that are identified in the Comprehensive Plan from significant conflicting and preemptory uses. The overlay designation protects these sites from irreversible loss for dredge material disposal use while permitting nonpreemptive underlying uses. The overlay designation is to be applied to the designated dredge material disposal sites and mitigation sites.

**14. Airport Impact Overlay (AIO)**

The purpose of the Airport Impact Overlay (AIO) is to protect the public health, safety and welfare by assuring that development within areas impacted by airport operations outside of established urban growth boundaries in Douglas County is appropriately planned to mitigate the impact of such operations. Further, this overlay district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety and welfare.

**15. North Umpqua Park or Public Recreation Area Overlay (PO)**

The North Umpqua Park or Recreation Area Overlay (PO) classification is intended to protect and conserve areas identified as containing public value for park or recreational use, aesthetic or visual value, camping, picnicking, activities and passive outdoor games and activities. This area, as identified in the Comprehensive Plan, will be protected from significant conflicting uses by this classification. This overlay classification will promote nonpreemptive underlying uses, a process for consideration for acquisition, and allow other uses subject to administrative review.

**16. Right-of-Way Protection Overlay (RW)**

The Right-of-Way Protection Overlay (RW) classification is intended to protect future streets identified in the Circulation Plans and Land Use Element of the Comprehensive Plan from significant conflicting uses. Requiring development to be in accordance with §3.35.940 ensures that sufficient and appropriate streets can be provided for future community development.

**17. Exceptions Process Limited Use Overlay (EP)**

The Exceptions Process Limited Use Overlay (EP) classification is intended to designate the uses permissible in areas which have been excepted from certain State-wide Planning Goals through the “reasons” exception process of Goal 2, Part II (c). Requiring development to be in accordance with §3.35.950 is the method to identify and designate all uses in the exception area as identified in the exceptions process.

**18. Destination Resort Overlay (DR)**

The Destination Resort Overlay (DR) is applied by the Comprehensive Plan to all areas not excluded by Destination Resort siting exclusions. Within the overlay, Destination Resorts may be approved subject to the provisions of Article 50 of this Ordinance. A Destination Resort is a planned tourist facility designed to attract tourists for longer visits from greater distances. When not excluded by the DR, a Destination Resort may be approved in any zone except industrial.

**19. Special Bird Habitat Overlay (BH)**

The Special Bird Habitat Overlay (BH) is designed to provide protection for special bird habitats including eagle sites, heron rookeries, osprey sites, and pigeon mineral springs from conflicting uses which are not subject to the Forest Practices Act (FPA). Uses and activities subject to the FPA are those uses and activities, defined by the Department of Forestry, that are auxiliary to and used during the term of a particular forest operation. Conflicting uses not subject to the FPA are those uses and activities listed in the Special Bird Habitat Section of the Comprehensive Plan. The BH will be applied to areas (quarter sections for eagles and herons, and site specific for osprey and pigeon spring sites) identified in the Comprehensive Plan as special bird habitats.

**20. Tsunami Inundation Overlay (TIO)**

The Tsunami Inundation Overlay (TIO) is intended to reduce the risk of loss of life in the event of a Tsunami inundation. The overlay is applied to the Tsunami Inundation Zone which defines the upland areas that could be subject to a tsunami wave. A Tsunami is a series of ocean waves caused by an undersea earthquake. The overlay limits, according to the provisions of Article 35, where certain types of essential facilities or special occupancy structures may be located.