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ARTICLE 1 — GENERAL PROVISIONS

Chapters:

- 1.1 User’s Guide
- 1.2 Title, Purpose, and General Administration
- 1.3 Lot of Record; Legal Lot Determination
- 1.4 Non-Conforming Situations
- 1.5 Code Interpretations
- 1.6 Enforcement

Chapter 1.1 — User’s Guide

The City of Ukiah Development Code (“Code”) contains land use and development regulations for properties within the incorporated limits of City of Ukiah. The Code is organized as follows:

Article 1 describes the title, purpose, organization and general administration of the Code. Article 1 also explains how the City interprets and enforces the Code.

Article 2 contains Ukiah’s land use (zoning) districts, including overlay zones, as designated by the City of Ukiah Zoning Map. The article lists categories of land uses allowed in each district and the standards that are unique to each use or district (e.g., lot area/dimensions, setbacks, manufactured home standards, etc.). As required by state law, the land use regulations must be consistent with the City of Ukiah Comprehensive Plan. Before changing a land use, beginning development, or applying for a building permit, the property owner must complete a Zoning Checklist for review and approval by the City. The City will then determine whether a formal land use review or other permit is required and advise the owner on any specific Code requirements. Failure to complete the Zoning Checklist does not excuse the property owner from having to comply with the Code.

Article 3. Article 3 contains standards for new development, including requirements related to transportation improvements, street access, pedestrian and vehicle circulation, landscaping/screening, outdoor lighting, parking, water, sanitary sewer, storm drainage, utilities, and signs.

Article 4. Article 4 contains the City’s application requirements and procedures for obtaining land use permits and approvals required by this Code, including but not limited to land divisions, property line adjustments, conditional use permits, site plan reviews, and variances. Property owners should contact the City of Ukiah to determine whether their proposal requires a permit or other City approval. See description of Article 2, above.

Article 5. Article 5 contains land use classifications, definitions, rules of measurement and other exhibits that the City relies upon in interpreting and administering the Code. For example, where Article 2 contain a list of land use categories allowed in each zone, Article 5 provides examples of uses that are consistent with each category.

Chapter 1.2 — Title, Purpose, and General Administration

Sections:

Section 1.2.010	Title
Section 1.2.020	Purpose
Section 1.2.030	Compliance and Scope
Section 1.2.040	Rules of Code Construction
Section 1.2.050	Development Code Consistency with Comprehensive Plan and Laws
Section 1.2.060	Land Use Consistent With Development Code and Zoning Map
Section 1.2.070	Provisions of this Code Are Minimum Requirements
Section 1.2.080	Pre-Existing Approvals
Section 1.2.090	Zoning Checklist and Building Permits
Section 1.2.100	Official Action

1.2.010 Title

The official name of this Title is “The City of Ukiah Development Code.” It may be referred to as “Development Code” and “Code.”

1.2.020 Purpose

This Code is enacted for the purpose of promoting the public health, safety, and welfare; to encourage the most appropriate use of land within the City of Ukiah, consistent with the City of Ukiah Comprehensive Plan; to stabilize and protect the value of property; to manage traffic flow and prevent overcrowding of public ways; to provide adequate light and air circulation in new development; to facilitate adequate and economical provision of public improvements and services; and to provide a method of Code administration and enforcement that is consistent with the needs of a small city with limited administrative capacity.

1.2.030 Compliance and Scope

- A. Compliance with the Provisions in the Development Code.** No structure or lot shall hereinafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this Code. Furthermore, annexations and amendments to the Zoning Map or Development Code shall conform to applicable provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.

- C. **Transfer of Development Standards Prohibited.** No lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use, except as otherwise specifically allowed by this Code.

1.2.040 Rules of Code Construction

- A. **Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. **Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable regulations, the most restrictive regulation, or that imposing the highest standard, shall govern. The City Council shall determine applicability of such regulations. Where the Code’s applicability is unclear, the City Council may interpret the Code pursuant to Chapter 1.4 Interpretation.
- C. **Tenses.** Words used in the present tense include the future; the singular form includes the plural; the plural includes the singular.
- D. **Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar terms means the provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar term means the provision is recommended (i.e., as in a guideline) and may be imposed as a requirement only where applicable code criteria provide such discretion to the decision making body.
- E. **Severability.** The provisions of this Development Code are severable. If any section, sentence, clause or phrase of the Development Code is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

1.2.050 Development Code Consistency with Comprehensive Plan and Laws

- A. **City of Ukiah Comprehensive Plan.** This Development Code implements the City of Ukiah Comprehensive Plan. All provisions of this Code shall be construed in conformity with the Comprehensive Plan, including all adopted Comprehensive Plan elements, except as otherwise required by applicable State or Federal law.

- B. Compliance with Other Laws Required.** In addition to the requirements of this Code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.
- C. References to Other Regulations.** All references in this Code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations. Where a proposal, permit, or approval is subject to both City of Ukiah and state or federal regulations, the property owner is responsible for consulting the applicable agencies and complying with their respective regulations.
- D. Current Versions and Citations.** All references to other City, county, regional, state, or federal regulations in this Code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where a referenced regulation has been repealed, this Code’s requirements for compliance with the same are no longer in effect.

1.2.060 Land Use Consistent With Development Code and Zoning Map

- A. Zoning of Areas to be Annexed.** Concurrent with annexation of any land to the City of Ukiah, the City Council shall approve zoning for the subject land pursuant to Chapter 4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.
- B. Land Use Consistent With Development Code.** A lawful use is one that is permitted in accordance with this Code, including non-conforming uses pursuant to Chapter 1.3, provided state or federal law does not prohibit the use. Where a proposed use is not specifically identified by this Code, the City Recorder shall refer to Chapter 1.5 and determine whether the use is similar to another use (or uses) that is (are) permitted, allowed conditionally, or prohibited by this Code. The City Recorder shall refer the matter to the City Council to be heard at the next scheduled meeting pursuant to Chapter 1.5.
- C. Development Code and Zoning Map.** Land and structures may be used or developed only as provided by the applicable land use (zoning) district, as described in the text of this Code and designated on the City of Ukiah Zoning Map, including all amendments thereto.
- D. Content of Official Zoning Map.** The boundaries of the base zones, overlay zones, and other map designations are as illustrated on the City of Ukiah Zoning Map. The Zoning Map is published separately, but is a part of the Code. Maps that delineate areas subject to additional zoning regulations may be included in the Zoning Map and Code, adopted by separate ordinance, and/or adopted by reference. Examples may include the location of historical landmarks, special street setbacks, base flood (flood plain) elevation, and other areas subject to regulation under this Code.
- E. Changes to Official Zoning Map.** A proposed change to the Official Zoning Map is subject to the amendment process described in Chapter 4.6 Amendments.

F. Boundary Lines.

1. Where a zoning line is shown on the Official Zoning Map as being within an existing or vacated right-of-way, utility corridor, trail corridor, watercourse, or similar feature, the line is in the center unless specifically indicated otherwise. See also, Section 2.1.020.
2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.
3. The City Recorder shall refer boundary line determinations and interpretations to the City Council to be heard at the next scheduled meeting pursuant to Chapter 1.5 Code Interpretations.

1.2.070 Provisions of this Code Are Minimum Requirements

- A. Minimum requirements intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.2.080 Pre-Existing Approvals

- A. Legality of Pre-existing Approvals.** Developments and uses for which government approvals were granted prior to *[effective date of new code]* may occur pursuant to such approvals, except that modifications to those approvals shall be subject to review under Chapter 4.6. Modifications to Approved Plans and Conditions of Approval, as applicable.
- B. Subsequent Development Applications.** All developments and uses commencing on or after *[effective date of new code]* shall conform to the current provisions of the Code.

1.2.090 Zoning Checklist and Building Permits

The State Building Official (SBO) issues building permits, and the City of Ukiah coordinates with the SBO to ensure compliance with the City's land use and development regulations. A building permit shall not be issued until the City Recorder has transmitted an approved Zoning Checklist to the State Building Official. In reviewing a Zoning Checklist, the City Recorder may determine that other permits or approvals are required before a Zoning Checklist may be approved and before development may commence or a building permit may be issued. See Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.

1.2.100 Official Action

- A. Official Actions.** The City of Ukiah City Council is vested with authority to issue permits and grant approvals in conformance with this Code. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Void Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless it is modified by the City to conform to the Code. The City Recorder shall determine when an approval is void and he or she shall refer it back to the City Council for modification to ensure Code compliance.
- C. Referral to City Council.** The City Recorder shall refer any question or permit request to City Council, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.5 Code Interpretations and Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.
- D. Notices and Validity of Actions.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice. See Chapter 4.1 General Review Procedures.

Chapter 1.3 — Lot of Record; Legal Lot Determination

Sections:

- 1.3.010 Purpose and Intent**
- 1.3.020 Criteria**
- 1.3.030 Legal Lot Determination Procedure**

1.3.010 Purpose and Intent

The purpose of Chapter 1.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing development on a non-conforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of lot of record shall not be denied development of one single family dwelling per lot of record, provided applicable building codes are met; the City shall accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 4.7.

1.3.020 Criteria

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 to 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat in Umatilla County prior to annexation to the City of Ukiah;
- B. The plot of land was created through a deed or land sales contract recorded with Umatilla County before the City or County, as applicable, adopted planning, zoning, subdivision or partition regulations; or
- C. The plot of land was created through a deed or land sales contract recorded with Umatilla County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision or partition regulations in effect at the time it was created.

1.3.030 Legal Lot Determination Procedure

Requests to validate a lot of record shall follow the procedures in ORS 92.010 to 92.190.

Chapter 1.4 — Non-Conforming Situations

Sections:

- 1.4.010 Purpose**
- 1.4.020 Non-conforming Use Regulations**
- 1.4.030 Non-conforming Development Regulations**

1.4.010 Purpose

This Chapter provides standards and procedures for existing land uses and developments that do not comply with this Code. The regulations are intended to provide some relief from code requirements for uses and developments established prior to *[the effective date of new code]* that do not comply with current standards. The chapter contains two sections with standards: Section 1.4.020 applies to nonconforming uses (e.g., industrial use in residential zone), and Section 1.4.030 applies to nonconforming developments (e.g., structure does not meet setback or height standards).

1.4.020 Nonconforming Uses

Where at the time of adoption of this Code a use of land exists that would not be permitted under the current Code but was lawful at the time it was established, the use may continue, provided:

- A. **Expansion of Nonconforming Use Limited.** Any expansion in area of land or space occupied by a non-conforming use shall not exceed ten percent (10%) of the subject site or building area that existed as of *[effective date of new code]*. Such expansion requires approval of a Conditional Use Permit.
- B. **Location of Nonconforming Use.** A nonconforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.
- C. **Discontinuation or Abandonment of Nonconforming Use.** A non-conforming use that is discontinued for any reason (except fire or other catastrophe beyond the owner's control) for a period of more than twelve (12) months shall be deemed abandoned and shall no longer be an allowed use; except the City Council may approve an extension, in which case the extension shall be limited to one twelve (12) month period. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the first occurrence of any one of the following:
 1. The date when the use of land is physically vacated;
 2. The date the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods/stock, or office

equipment, or the disconnection of telephone or utility service;

3. The date of termination of any lease or contract under which the nonconforming use has occupied the land;
4. The date a request for final reading of water and power meters is made to the applicable utility districts;
5. The date when the owner's utility bill or property tax bill account became delinquent; or
6. The date of an event similar to those listed in subsections 1-5, above, as determined by the City Council.

D. Application of Code Criteria and Standards to Nonconforming Use. Once the City deems a use abandoned pursuant to subsection 1.4.020(C), any subsequent use of the subject lot shall conform to the current standards and criteria specified by this Code. After the City has deemed a non-conforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership/management; any such activity is a violation of this Code and subject to enforcement proceedings.

1.4.030 Non-conforming Development

Where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. **Alterations.** Any expansion a non-conforming structure or development shall not exceed ten percent (10%) of the subject building area or development, including structures, paving, outdoor storage, and other developed areas that existed as of *[effective date of new code]*. Such expansion requires approval of a Conditional Use Permit; no such nonconforming building or development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;
- B. **Destruction.** Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than fifty (50) percent of its current value as assessed by the Umatilla County Assessor, it shall be reconstructed only in conformity with this Code;
- C. **Roadway Access.** The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with the standards of the Oregon Department of Transportation, notwithstanding the provisions of

this Chapter.

- D. **Relocation or Removal.** Should a non-conforming structure or development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.

Chapter 1.5 — Code Interpretations

Sections:

1.5.010 Interpretations

1.5.010 Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

- A. Authorization of Similar Uses.** The City Council may rule that a use not specifically listed among the allowed uses in a zone is permitted, or permitted with conditions (subject to a conditional use permit), if it is similar to a use that is specifically allowed in the zone with respect to its effect on adjacent properties. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the City Council finds to be are similar to those that are prohibited, are not allowed.
- B. Code Interpretation Requests.** A request for a code interpretation shall be made in writing to the City Recorder and forwarded to the City Council. The City Council shall decide whether or not it will make an interpretation; the Council may choose not to consider the request. The City Recorder shall advise the person making the inquiry in writing within fourteen (14) days after the request is made on whether or not the City will make an interpretation.
- D. Written Interpretation.** If the City Council decides to issue an interpretation, it shall do so at its next regularly scheduled City Council meeting; alternatively, the Council may schedule a public hearing pursuant with subsection 1.5.010(E), below. Within ten (10) days of the City Council’s decision, the City Recorder shall mail or deliver the decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public hearing testimony on the interpretation. The decision shall become effective fourteen (14) days after the date it is mailed/delivered.
- E. Referral to Public Hearing.** Prior to an interpretation becoming effective, any member of the public may request a public hearing on the matter by submitting a letter requesting a hearing to the City Recorder. Public hearings shall be conducted pursuant to Section 4.1.040.
- F. Interpretations On File.** The City shall keep on file a record of all Code interpretations.

Chapter 1.6 — Enforcement

Sections:

- 1.6.010 Misdemeanor**
- 1.6.020 Other Remedies**
- 1.6.030 Abatement of Violation Required**
- 1.6.040 Responsible Party**

1.6.010 Misdemeanor

Except as provided under Subsection 1.6.020, any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed a Class A Misdemeanor, which, upon conviction thereof, is punishable as prescribed in Oregon Revised Statute (ORS) Chapter 161. Such person is guilty of a separate violation for each and every day during any portion of which any violation of this Code is committed or continued by such person. The penalties imposed by ORS Chapter 261 are in addition to and not in lieu of any other remedies available to the City.

1.6.020 Other Remedies

The Ukiah City Council, in lieu of prosecuting a violation of this Code as a misdemeanor under subsection 1.6.010, may find a violation is a public nuisance and take enforcement action accordingly pursuant to City of Ukiah Ordinances 42, 43 and 44.

1.6.030 Abatement of Violation Required

A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

1.6.040 Responsible Party

If a provision of this Code is violated by a business or other entity, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.