

Chapter 17.130 Procedures

Sections:

<u>17.130.005</u>	<u>Purpose</u>
<u>17.130.010</u>	<u>Review required. Applicability</u>
<u>17.130.075</u>	<u>Approval Compliance and Occupancy.</u>

17.130.000 Purpose

The purpose of the Development Code procedures is to specify transparent public processes to assess and ensure compatibility between new developments, existing uses, and future developments consistent with the Coos Bay Comprehensive goals and objectives. Land use and development approvals are required to promote land uses and development harmonious with their surroundings, maintain a high quality of life for area residents, and to ensure that new developments are planned and designed to comply with the standards and criteria for development and land use in the Coos Bay Municipal Code.

17.130.010 Review Required Applicability

(5) No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan which is in conformance with the requirements set out in Section 17.130.050. Land use project review and approval are subject to a Type I, II or III review process prior to issuance of a building permit or as specified in this title, changes in land use.

(6) No amendment to the text of this Title or the Comprehensive Plan shall be permitted without of a Type IV authorization.

(7) Exclusions from permits. The following activities are permitted in each land use district but are excluded from the requirement of obtaining a land use permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with applicable standards, conditions, and other provisions of the development code.

- (a) Operation, maintenance, and repair of existing transportation facilities identified in the transportation system plan;
- (b) Dedication of right-of-way, authorization of construction, and the construction of transportation facilities and improvements, where the improvements are planned improvements identified in the transportation system plan or are otherwise consistent with clear and objective dimensional standards;
- (c) Changes in transit services.

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17.130.020 Pre-Application review.(1) Requirement. Applicability.

~~(a)~~ Unless otherwise expressly provided in this Title, all applications subject to Type III or Type IV review are subject to pre-application review unless the ~~director~~Director waives the requirement in writing.

~~(b) The applicant shall submit the pre-application materials to the city.~~

(2) Waiver. ~~The city discourages waiver of the pre-application process. In the event that~~ The Director may waives ~~at~~ the pre-application review, however the applicant shall acknowledge on the pre-application waiver form that s/he understands the pre-application waiver shall state that that waiver of pre-application review may increase the maximum time for review for technically complete status and may increase the risk that the application will be rejected, or processing will be delayed.

(3) Application Requirements and Contents.

~~A~~(a) ~~At a minimum, a p~~ pre-application submittal shall include a non-refundable pre-application fee, the following: a (i) completed pre-application form provided by the City with ~~T~~the requisite fee and three paper copies to fit on an eight-and-one-half-inch by 11-inch page and one electronic copy of the following information:;

~~(ii) A completed form provided by the city for that purpose;~~

~~(iii) The name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact shall be made regarding the application;~~

~~(a) (iv)~~ A preliminary site plan which shall include, where applicable, a north _____ arrow, date, graphic scale, existing and proposed lots, tracts, easements, _____ rights-of-way, development, access, parking, maneuvering, structures and _____ landscaping on the site; existing and proposed natural features on the site, _____ including vegetation, topography and grades; existing and proposed utilities _____ (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, _____ rights-of-way and structures abutting the site; provided, information about _____ off-site structures and other features may be approximate if such _____ information is not in the public record. ~~The applicant shall provide three copies of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page.~~ Principal features of the plan shall be dimensioned by architectural scale.

~~(b) Drawings showing proposed elevations or a likeness of the proposed structures~~The applicant is encouraged to submit drawings showing the elevation(s) of a proposed primary structure;

~~(c) Proposed dedications to the city or other agency, if applicable;~~

~~(d) A written description of the proposed use or development. The descriptions shall identify any variances, adjustments or exceptions needed for approval of the plan.~~

(4) Scheduling, Notice and Attendees.

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(c) The ~~director~~Director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include the design assistance team (DAT), the ~~director~~Director, the city engineer, a representative from affected service districts, including transportation and transit agencies and representatives from interested state agencies and neighborhood associations recognized by the city council or by Coos County.

(5) Meeting Summary. Within 14 calendar days after a pre-application conference, the ~~director~~Director will provide a written summary of the conference to the applicant and to other persons who request it. The written summary shall: ~~to the extent possible:~~

(6) Time Limit. The written summary of a pre-application conference is valid for up to one year from the date of the meeting summary provided by the City. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference shall be required for future development subject to 17.130.020.

17.130.030 Application types and classification.

(3) Procedure Types. There are four types of land use review procedures. This chapter or the chapter that authorizes an application generally identifies the type of procedure that applies to the application. If the appropriate procedure is not clearly defined, the ~~director~~Director shall decide which of the four procedures will apply with the, ~~based on the~~ following considerations:

(a) ___ A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the ~~director~~Director about technical issues. Type I reviews include:

(i) Residential proposals creating less than 10 new units.

ii) Modifications to interior of an existing structure that does not change the intensity or a use.

(iii) Installation or replacement of underground utilities.

(iv) Painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.

(v) Other development the Director determines does not result in an appreciable increase in land use activity and intensity and does not create an additional significant adverse impact.

(b) ___ A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the ~~director~~Director about nontechnical issues and about which there may be a limited public interest.

Type II reviews include:

(i) Changes in use of an existing structure or site.

(ii) New construction or expansions of existing develop which does not exceed:

1. 4,000 square feet of floor area.

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2. Twenty new parking spaces.
3. Residential proposals with four (4) structures with up to and including ten (10) units.
4. All changes in the use of a structure that increase the intensity of use by increasing the gross floor area by more than 20% up to a total of 4,000 square feet or introducing a use requiring more than 15% of the parking required by the original use up to and including twenty new spaces.
- (iii) Property line adjustments and partitions.
- (iv) Other development the Director determines warrants appropriate for a Type III review due to community interest and/or benefit.

(c) A Type III process involves standards that require the exercise of substantial discretion by the planning commission or a hearings officer and about which there may be a broad public interest. Type III reviews include:

- (i) New construction or expansions of existing construction of any of the following:
 1. 4,001 square feet or more floor area.
 2. Twenty-one or more new parking spaces.
 3. Residential proposals with more than ten (10) units.
- (ii) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.
- (iii) Subdivisions.

(d) A Type IV process involves the creation, implementation or amendment of city land use policies or law by the city council, with a recommendation by the Planning Commission. ~~planning commission, of the CBCP, CBDC or other related city land use policies or law.~~

~~(4)(e)~~ Undefined Review. If this title is silent as to the type of review procedure required, the ~~director~~Director shall, using a Type I review process, determine the appropriate level of review.

(f) At the discretion of the Director, uses determined similar to uses specified in this title may be permitted subject to the provisions of this chapter.

(5) Highest Review level. If a review is subject to multiple permits, the highest level of review for any one of the permits shall be required for all permits.

17.130.040 Application contents.

An applicant for development and/or land use review shall submit the requisite non-refundable fee and three paper copies and one electronic copy of the information required

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by CBDC [17.130.050](#), except as otherwise provided therein. Additional copies may be required, depending upon who the review authority is for the application type.

17.130.050 Review for technically complete status.

(1) Applicability and Schedule. Before accepting an application subject to a Type I, II, III or IV review, the ~~director~~[Director](#) shall determine within 30 calendar days after the application is submitted whether the application is technically complete.

(2) Standards for Technical Completeness [for a Type II application](#). An application is technically complete if it includes the information required by the CBDC section(s) that apply to the application in question. If the CBDC does not list the information a given application is required to contain, then such an application is technically complete if it includes three hard copies and one electronic copy of the following information:

(b) Required [non-refundable](#) application fee;

(c) A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required by the ~~director~~[Director](#) to address issues, comments and concerns in the summary;

(g) [A written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;](#)

(h) [A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC, and other city policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application;](#)

(i) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter [17.372](#) CBDC; or for modifications to the road standards that are required to approve the proposal.

(j) [If required by the Director, a Traffic Impact Analysis consistent with CBDC section 18.40.010 and 18.40.020 and State of Oregon requirements.](#)

(k) A legal description of the site;

(l) [Three copies of a A-preliminary site plan at a scale of no more than one--inch equals 200 feet--of a size no smaller than 11 inches by 17 inches with:](#)

(i) [north arrow, date, and graphic scale identifying the subject site,](#)

(ii) [total site area,](#)

(iii) [location of on-site driveways and access points within 100 feet of the subject site,](#)

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- (iv) locations and lot coverage dimensions of the proposed building and proposed building setbacks;
- (v) existing and proposed lots, tracts, easements, rights-of-way and structures on the site,
- (vi) existing lots, tracts, easements, rights-of-way and structures abutting the site;
- (vii) Legend indicating:
 1. total site area,
 2. the total square footage of proposed building or structures including percentage of total site area,
 3. the total square footage amount of impervious area square footage, including percentage of total site area,
 4. the total square footage amount of on-site landscaping, including percentage of total site area and the information specified in 17.130.050(7),
 5. the total amount of dedicated parking area, including percentage of total site area, the proposed number of parking spaces, including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated.

(m) A floor plan at a one-quarter- or one-eighth-inch scale;

(n) Elevations of all sides of the proposed structure at a one-quarter- or one-eighth-inch scale;

(o) Existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide three copies of the plan of a size no smaller than 11 inches by 17 inches;

(p) Proposed easements or dedications to the city or other agency, if applicable;

(q) Preliminary grading, erosion control and drainage plans may be required depending upon the application and if required shall be consistent with applicable provisions of this or other applicable city documents;

(r) Information about proposed utilities, including water and sanitary waste.

(s) A landscaping plan meeting the standards of CBDC 17.335.060, Landscaping;

(t) A lighting plan meeting the standards of CBDC 17.335.040, Lighting.

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(3) Standards for Technical Completeness for a Type III application. An application is technically complete if it includes the information required by the CBDC section(s) that apply to the application in question and three hard copies (24" x 36") and one electronic copy of:

(a) A completed city land use application form;

(b) Required non-refundable application fee;

(c) Most recent conveyance document (deed) showing current ownership.

(d) The name, email address, mailing address, and telephone number of the owner(s) and official contact regarding the application;

(e) Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Coos County assessor;

(f) Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed.

(g) Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule, including project phasing, if known.

(h) A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC, and other city policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application;

(i) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter 17.372 CBDC; or for modifications to the road standards that are required to approve the proposal.

(j) A legal description of the site.

(k) A floor plan at a one-quarter- or one-eighth-inch scale;

(l) Architectural elevations, showing north, south, west and east elevations at a one-quarter or one-eighth inch scale.

(m) A project site plan identifying existing conditions drawn to a minimum scale of one-inch equals 200 feet with the following information:

(i) Vicinity map showing location of subject site within the city of Coos Bay and the surrounding existing street system;

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- (ii) Existing and proposed property boundaries, dimensions and size of the subject site;
- (iii) Graphic scale of the drawing and the direction of true north;
- (iv) Zoning and uses of subject site and of properties within 100 feet of the subject site;
- (v) Current structural or landscaped setbacks;
- (vi) Location of on-site driveways and access points within 100 feet of the subject site;
- (vii) Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site;
- (viii) Location, dimensions, setbacks of buildings to property lines and height of proposed buildings;
- (ix) Location of existing aboveground electrical, telephone or utility poles and traffic control poles;
- (x) Location of existing fire hydrants;
- (xi) Location of structures within 100 feet of the site
- (xii) Location, centerline and dimensions of existing public rights-of-way and easements on site and within 100 feet of the site;
- (xiii) Location, centerline and dimensions of existing private streets on site and within 100 feet of the site; and
- (xiv) Approximate on-site slopes and grades within 100 feet of the site.
- (xv) Location of building accesses;
- (xvi) Proposed project-phasing boundaries, if applicable;
- (xvii) Location of proposed access points including vehicular driveways and designated pedestrian access points, including the proposed depth of the vehicular driveway throats;
- (xviii) Location and dimensions of proposed on-site parking areas, including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible. Demonstrate compliance with applicable state and federal guidelines, including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions;
- (xix) Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas;
- (xx) Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions;
- (xxi) Location, centerline and dimensions of proposed on-site public or private streets and public and private easements;
- (xxii) Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements, including roadway

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improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation;

- (xxiii) The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas; and
- (xxiv) Specialized site treatments, including but not limited to pedestrian plazas, heavy-duty paving, concrete score patterns, bicycle parking and outdoor seating areas.
- (xxv) Proposed easements or dedications to the city or other agency, if applicable;

(n) Preliminary grading, erosion control and drainage plans may be required depending upon the application and if required shall be consistent with applicable provisions of this or other applicable city documents;

(o) Information about proposed utilities, including water and sanitary waste.

(p) Legend indicating:

- (i) total site area,
- (ii) the total square footage of proposed building or structures including percentage of total site area,
- (iii) the total square footage amount of impervious area square footage, including percentage of total site area,
- (iv) the total square footage amount of on-site landscaping, including percentage of total site area and the information specified in 17.130.050(7),
- (v) the total amount of dedicated parking area, including percentage of total site area, the proposed number of parking spaces, including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated.

(q) Preliminary utilities plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Public and private easements for sanitary sewer, water and stormwater shall also be indicated.

(r) Landscape plan consistent with 17.335.060 indicating:

- (i) the location of proposed vegetation, landscaping proposed in and around buildings, on the perimeter of the site and within proposed parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated.

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- (ii) the common and botanical name of the proposed vegetation,
- (iii) the initial planting size (height or gallon) and the mature planting size and proposed methods of irrigation, if any.

(s) Lighting plan consistent with 17.335.040 and indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted).

(t) Traffic Impact Analysis if applicable. Note, a Traffic Impact Analysis is required for proposals to create 20 or more residential units (e.g., single family residential lots, apartment/condo units, manufactured home parks) 20,000 square feet or more of commercial/industrial space, or similar land use as determined by the Director. The TIA shall be consistent with CBDC Section 18.40.010 and 18.40.-020 and State of Oregon requirements.

(u) Sign plan(s) (if applicable).

(4) Excluded Information and Application Fees. The ~~director~~Director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law. However, no application shall be accepted for review without required non-refundable application fees.

(5) Missing Information. If the ~~director~~Director determines an application is not technically complete, within 30 calendar days after the city receives the application the ~~director~~Director shall send the applicant a written statement rejecting the application. Incompleteness shall be based solely on failure to pay required fees, failure to address the relevant criteria or development regulations, or failure to supply information to assure the decision maker and public understanding of the application. The statement shall:

- (a) List what is required to make the application technically complete;
- (b) Specify a date by which the required missing information must be provided;
- (c) State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and
- (d) Include recommendations for additional information that, although not necessary to make the application technically complete, are recommended to address other issues that are or may be relevant to the review.

(6) Final Actions for a Technically Incomplete Application. If the ~~director~~Director decides that all of the required information is not submitted by the date specified, or as extended, ~~s/he~~he or she shall:

- (a) Provide a letter rejecting the application for lack of completeness and stating the reasons for the return; or
- (b) Issue a decision denying the application based on a lack of information.

(7) The application will be deemed complete by the ~~director~~Director for the purpose of this section upon receipt of:

- (a) All the missing information;

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- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

(8) Pursuant to ORS [227.178](#), the city will reach a final decision that approves, approves with conditions, or denies the application. The city will reach its decision within 120 calendar days from the date that the application was determined to be complete or deemed complete (unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise); including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA). However, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

(9) The 120-calendar-day timeline may be extended at the written request of the applicant.

(10) The applicant may amend the application up to and including 14 calendar days after the application has been deemed complete.

(11) Amendments to an application submitted more than 14 calendar days after the application is deemed complete may be determined by the ~~director~~[Director](#) to be so substantial that the application shall be treated as having been refiled. In such a case, the ~~director~~[Director](#) shall provide the applicant with the following options: provide the city with a waiver of the 120-day time frame set forth in ORS [227.178](#) of a minimum of 14 calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.

~~(1244)~~ For any application which has been on file with the city for more than 90 calendar days and the applicant has not met the obligations of this section, the application will be deemed withdrawn.

17.130.070 Approval criteria.

The ~~authorizing authority director~~ shall approve a ~~land use application n-application for review~~ if ~~he or she finds~~ the applicant has sustained the burden of proving that:

(1) The application complies with the applicable regulations of the Coos Bay comprehensive plan and development code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary variances have been approved; or that adopted conditions of approval have been met prior to final plat approval.

(2) The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations.

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(3) The development will not have a significant adverse effect on adjacent properties or public facilities.

17.130.075 Approval Compliance and Occupancy.

(1) All development and/or land use authorized for a property shall conform to the authorized site plans, floor plans and elevations imposed thereon unless amendment or replaced by a subsequent city approval. of a property.

(2) Compliance with all conditions of approval development for development and/or land use authorized for a property shall be met prior to occupancy. If authorized by the Director, conditions specific to public and site improvements may be accomplished in phases by performance bonds or other suitable securing as determined by the Director to secure an applicant's obligation to comply with development and/or land use authorization conditions of the approval.

17.130.120 Notices.

(4) Distribution of Notices by Mail.

(a) The city shall mail notice of application subject to Type II review to:

(i) The applicant and the applicant's representative;

(A) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and

(B) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;

(ii) Agencies with jurisdiction; including transportation and transit agencies and

(iii) Other persons with standing who request such notice in writing.

17.130.140 Expiration and extension of decisions.

(3) The ~~director~~Director may approve two one-year extensions of a decision if he or she finds that:

(a) relevant facts and the law have not changed substantially since the original approval,

(b) the application can comply with the law in effect on the date the application for the extension was filed by complying with applicable additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

(c) The applicant must demonstrate that he or she has pursued development in good faith as evidenced by progress by evidence of application for final permits,

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property surveying, engineering or compliance with project conditions specified when the project was approved. and/or modifications are adopted.

(d) At the ~~director~~Director's discretion, any extension application may be referred to the planning commission for action.

17.130.145 Modifications to ~~Type II and Type III~~ permits.

Modifications to previously issued permits may be issued subject to the following: ~~criteria:~~

(1) A modifications in density or intensity of use of ten (10) percent or less than the approved density and intensity of use that will not affect the design, use or intent of the originally approved project is considered a Minor modification and may be reviewed and authorized by the Director in compliance with the requirements of CBDC 17.130.080 (Type I procedure). The Director shall determine whether a proposed project modification is of a minor or major nature.

(2) Modification exceeding the limitations of 17.130.145 (1) are considered major modifications subject to review by the authorizing authority and review procedures of the originally approved project.

(3) Major modifications to Type II permits shall require compliance with the requirements of CBDC [17.130.090](#).

(4) Minor modifications to Type II permits shall require compliance with the requirements of CBDC [17.130.080](#).

(5) Major modifications to Type III permits shall require planning commission review and approval pursuant to the requirements of CBDC [17.130.100](#).

(6) Minor modifications to Type III permits may be approved by the ~~director~~Director. The ~~director~~Director, at his/her discretion, may refer the minor modification to the planning commission.

Chapter 17.150 DEFINITIONS

17.150.020 Definitions.

The following definitions are organized alphabetically.

A.

Abutting – Adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.

Access, ~~accessway~~ – The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this title.

Access Easement - An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access

Access way – Pedestrian and/or bicycle connections between streets, rights-of-way, or a street or right-of-way and a building, school, park, transit stop, or other destination.

Accessory building/structure – A detached, subordinate building located on the same lot with the main building (except as provided by Chapter 17.314 CBDC), occupied by or devoted to an accessory use. If an accessory building is attached to the main building in a substantial manner as by a wall or roof, or as determined by the building official, the building shall be considered part of the main building. Examples of accessory structures include but are not limited to: buildings not attached to the main building (e.g., garages, carports, guest houses, workshops, and sheds), arbors, gazebos, and mechanical equipment.

Accessory dwelling unit – An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

Density – The number of permitted dwelling units allowed on each acre of land or fraction thereof utilizing the formula for each density range by zoning district noted below:

Low density – Maximum dwelling units per net acre.

LDR-6: lot size/43,560 = _____ x 9 = total number of permitted dwelling units

LDR-6 overlay zone: lot size/43,560 = _____ x 16 = total number of permitted dwelling units

LDR-8.5: lot size/43,560 = _____ x 6 = total number of permitted dwelling units

Medium density – Minimum and maximum dwelling units per net acre. ~~eight units per net-acre minimum to 16 units per net area maximum.~~

MDR: lot size/43,560 = _____ x 16 = total number of permitted dwelling units

C/MX: lot size/43,560 = _____ x 16 = total number of permitted dwelling units

I-C: lot size/43,560 = _____ x 16 = total number of permitted dwelling units

WH: lot size/43,560 = _____ x 22 = total number of permitted dwelling units

High density – ~~maximum of 17-~~ 25 dwelling units per net acre.

Density, net – The number of dwelling units or persons per net acre covering only the land devoted to building lots.

Park-and-ride – A facility designed to city standards at or within 500 feet of a transit stop where automobiles, bicycles, and other vehicles and mobility devices can be parked by transit and rideshare riders. Location and design are guided by the currently adopted transit master plan.

Pathway – A pedestrian and/or bicycle access facility outside of a roadway right-of-way that conforms to City standards and that may or may not be within a public right-of-way. Pathways must be constructed of concrete, asphalt, brick/masonry pavers, or another city-approved durable surface meeting ADA requirements.

Planned unit development (PUD) – Subdivision. A tract of land planned and developed as an integrated unit under single ownership or control which in this context may be vested in partnerships, corporations, syndicates, or trusts. The PUD shall encompass a comprehensive development plan of a parcel of land, which has been approved by the review authority, and may use innovative and unique development concepts, including but not limited to clustering and mixing of land uses to create useful open space and to preserve site features.

Planned unit development (PUD) – A project designed to meet the intent of the Comprehensive Plan with deviations from the City's development standards to accomplish innovative design, placement of buildings and open space.

Rideshare – A formal or informal arrangement in which a passenger travels in a private vehicle driven by its owner.

**Chapter 17.220
 LOW DENSITY RESIDENTIAL DISTRICTS (LDR-6, LDR-8.5)
 AND OVERLAY ZONE LDR-6**

Table 17.220.020

Use	LDR-6	LDR-6 Overlay	LDR- 8.5
Single-family detached dwelling units, including <u>certified factory-built homes and</u> manufactured homes which are subject to special siting standards <u>as specified CBMC Section 17.230</u>			
Nonresidential Uses			
Art galleries and museums		C/ SPR /Type 3	
Vacation rental or bed and breakfast		P, Type 2 if less than 4,000 s.f. C/ SPR /Type 3 if greater than 4,000 s.f.	
Bus shelters (subject to a Type II site plan review)		P/Type 2	

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MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Sections:

17.225.010 Purpose.

17.225.015 Development Diversity

17.225.020 Location.

17.225.030 Permitted and conditional uses.

17.225.040 Density and dimensional requirements.

17.225.050 Requirements of single-family attached housing.

17.225.060 Requirements of multifamily attached housing - Apartments.

17.225.070 Requirements of factory-built home parks.

17.225.010 Purpose.

The medium density residential (MDR) district intended to provide for residential development opportunities, including manufactured homes, with a minimum density of ~~twelve~~ eight units per net acre and a maximum density of 16 units per net acre. The district is further intended to facilitate use of public transit, reduce the burdens of automobile related problems, and encourage efficient use of commercial services and public open space. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.225.015 Development Diversity

The City seeks to foster an opportunity for the creation of a variety of MDR housing products so as to promote housing affordability, architectural variety and unique neighborhood character. An MDR project proposal which consists of five gross acres or more, including abutting lands under common ownership, may not include more than 75 percent of one housing type, i.e., multifamily, single-family attached or single-family detached. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.225.020 Location.

The city council, with the recommendation of the planning commission, generally, shall assign MDR zoning districts in close proximity to collector or arterial roadways, current or proposed transit routes, near employment centers, and with good access to local public schools and parks. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.225.030 Permitted and Conditional Uses.

Permitted Uses. The city permits use on buildable lands as described in Table 17.225.030, Permitted and Conditional Uses, subject to compliance with the adopted level-of-service standards of the Coos Bay capital improvement plan. P = Permitted use; C = Conditional use; X = Prohibited use.

(1) Conditional uses allowed in an MDR district are described in Chapter 17.347 CBDC, Conditional Uses.

Table 17.225.030	
Use	MDR-16
Residential	
Existing lawful residential use	P/ <u>Type 1</u>
A Single-family and certified factory-built home residence per lot of record	P/ <u>Type 1</u>
<u>Subdivision of a lot of record for ten (10) or less dwellings</u>	<u>P/Type 2</u>
<u>Subdivision of a lot of record for eleven (11) or more dwellings</u>	<u>C/Type 3</u>
<u>Planned Unit Development of ten (10) or less dwellings</u>	<u>P/Type 2</u>
<u>Planned Unit Development of eleven (11) or more dwellings</u>	<u>C/Type 3</u>
Single-family dwelling combined with a multiple-family dwelling on the same lot	C / <u>Type 2</u>
Certified factory-built homes or home parks <u>consistent with the requirements of State Manufactured Park standards and Section 17.225.070.</u>	C/ <u>Type 3</u>
Accessory living units <u>subject to 17.312.</u> (which are subject to special siting standards through a Type II land use process)	P/ <u>Type 2</u>
Foster care homes (five or fewer)	P
Multiple-family dwellings <u>consistent with 17.225.060</u> , including but not limited to attached single-family dwellings, such as townhouses, duplexes, triplexes; and detached multifamily dwellings such as apartments <u>with ten or fewer units</u>	P/ <u>Type 2</u>
<u>Multiple-family dwellings consistent with 17.225.060, including but not limited to attached single-family dwellings, such as townhouses, duplexes, triplexes; and detached multifamily dwellings such as apartments with eleven or more units</u>	<u>C/Type 3</u>
Group <u>care and Group residential care facility and treatment facilities</u>	C/ <u>Type 3</u>
Multiple-family dwelling, greater than 35 feet in height and three stories	C/N / <u>Type 3</u>
Planned unit development	C
Accessory buildings and uses normal and incidental to the building and uses permitted in this chapter	P/ <u>Type 1</u>
Nonresidential Permitted Uses	
Home occupation	P/ <u>Type 1</u>
Child care facility (fewer than 13)	P/ <u>Type 1</u>
<u>Child care facility (13 or more)</u>	<u>P/Type 2</u>
Tourist habitation <u>Vacation Rental or</u> (bed and breakfast)	C / <u>Type 2</u>
Laundry facility (outward appearance must retain a residential character)	P/ <u>Type 2</u>
Bus shelters (subject to a Type II site plan review)	P/ <u>Type 2</u>
Recreational vehicle, maximum percent of the total number of mobile home-	P

Table 17.225.030	
Use	MDR-16
spaces, provided all sites complying with applicable sections of the CBDG	
Nonresidential Conditional Uses <u>with construction or expansion of existing construction of any of the following: 4,001 s.f. or more, twenty-one or more new parking spaces, building and demolition permits or any change, except for painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.</u>	
Administrative service <u>not associated with a Home Occupation permit</u>	C
Child care facility (13 or more)	C
Convenience sales and personal service	C
Educational service	C
Home occupation – retail sales on the premises	C
Library service and cultural exhibit	C
Lodge, club, fraternal, or civic assembly	C
Public parks and recreational facilities	C
Public safety service	C
Recreational vehicle	C
Religious assembly <u>of more than 20 persons</u>	C
Utility and service – no outside storage of equipment	C
Zero lot line development <u>as specified in 17.335.100</u>	C
<u>Other</u>	
<u>Uses and development deemed by the Director to be similar to and/or compatible with Table 17.225.030 and state regulations.</u>	<u>P/Type 1</u>
All manufacturing and commercial uses or services not listed	X

17.225.040 Density and dimensional requirements.

(1) All developments within the MDR zoning district shall comply with the density and dimensional requirements of Table 17.225.040

Table 17.225.040

Standard	Multifamily	Single-Family	
		Attached	Detached
Net density	8-12-16 <u>dua</u>	8-12-16 <u>dua</u>	8-12-16 <u>dua</u>

(2) Screening. New lots used for medium density residential purposes created adjacent to low density residential (LDR) districts shall employ a screening technique at the perimeter of the project. ~~New perimeter MDR lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 80 percent of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be~~

~~no less than 80 percent of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR 8.5, a 7,000 square foot minimum lot size, and the MDR lots abutting the LDR district may not be less than 5,600 square feet.~~

~~(3) New perimeter MDR lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 80 percent of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be no less than 80% of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR-8.5, a 7,000 square foot minimum lot size, and the MDR lots abutting the LDR district may not be less than 5,600 square feet~~

~~(3) Product Types. The city desires to foster an opportunity for the creation of a variety of MDR housing products so as to promote housing affordability, architectural variety and unique neighborhood character. An MDR project proposal which consists of five gross acres or more, including abutting lands under common ownership, may not include more than 75 percent of one housing type, i.e., multifamily, single family attached or single family detached. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.225.050 Requirements of single-family attached housing.

A single-family attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

- (1) Notations on the plat and/ covenants running with the land, approved by the city attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.
- (2) Prohibit single-family attached housing in housing clusters greater than six units.

~~No portion of a unit may occupy space above or below any other unit, except underground shared parking.~~

- (3) Landscaping. Single-family attached development projects may satisfy the minimum landscaping requirement by:
 - (a) Providing 200 square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot; or
 - (b) Providing 200 square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.225.60 Requirements of multifamily attached housing – Apartments.

A multifamily attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards of this section, the director shall apply the more specific standard.

- (1) Multifamily attached housing shall not be permitted in clusters greater than ~~10~~ 8 dwelling units.

17.225.070 Requirements of factory-built home parks.

- (3) Unit density: A minimum density of twelve (12) units per net acre and a maximum density of sixteen (16) units not more than eight dwelling units per net acre.

**Chapter 17.230
COMMERCIAL DISTRICTS (C AND MX)**

Sections:

- 17.230.010 Purpose.
- 17.230.020 Uses.
- 17.230.030 Development standards.

17.230.010 Purpose.

(1) Commercial (C) District. These commercial areas are intended to provide for the regular shopping and service needs for the community and adjacent service areas. Typical allowed uses include convenience food markets, beauty and barber shops, bakeries and service industries. These areas are held to a high standard of site plan review due to the close proximity of residential zones. Development activity shall meet, as applicable, the design guidelines contained in this code: and ensure that there is safe, interconnected, and multimodal transportation access to and within development sites.

(2) The mixed-use (MX) district requires mixed-use developments to provide the community with a mix of mutually supporting retail, service, office and medium- or high-density residential uses. The zone is designed to promote cohesive site planning and design that integrates and interconnects two or more land uses into a development that is mutually supportive. It can provide incentives to develop a higher density, active, urban environment than generally would be found in a suburban community. This type of development is further expected to:

- (a) Achieve the goals and objectives of the city's comprehensive plan and capital facilities plans;
- (b) Enhance livability, environmental quality and economic vitality;
- (c) Maximize efficient use of public facilities and services;
- (d) Create a safe, attractive and convenient environment for a variety of uses including living, working, recreating and traveling by all transportation modes.

17.230.020 Permitted and Conditional Uses.

The following uses in Table 17.230.020 in the Commercial/Mixed use (C/MX) zone are permitted (P), conditional (C) or prohibited (X). The permitting type for each use shall be subject to the land use process noted in Table 17.230.020 and the criteria specified in 17.230.020 (1-3) The uses set out in Table 17.230.020 are examples of uses allowable in the commercial and mixed use districts. Where a specific use is not listed in the table, the director shall determine the most appropriate similar use in the table. P = Permitted use; C = Conditional use; X =

1) Type I review: A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the director/Director about technical issues.

Type I reviews include:

- (i) Residential proposals creating less than 10 new units.
- ii) Modifications to interior of an existing structure that does not change the intensity or a use
- (iv) Installation or replacement of underground utilities.
- (v) Painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.

(vi) Other development the Director determines does not result in an appreciable increase in land use activity and intensity and does not create an additional significant adverse impact.

2) Type II review: A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the ~~director~~ Director about nontechnical issues and about which there may be a limited public interest. Type II reviews include:

(i) Changes in use of an existing structure or site

(ii) New construction or expansions of existing develop which does not exceed:

1. 4,000 square feet of floor area

2. Twenty new parking spaces

3. Residential proposals with four (4) structures with up to and including ten (10) units.

4. All changes in the use of a structure that increase the intensity of use by increasing the gross floor area by more than 20% up to a total of 4,000 square feet or introducing a use requiring more than 15% of the parking required by the original use up to and including twenty new spaces.

(iii) Property line adjustments and partitions

(iv) Other development the Director determines warrants appropriate for a Type II review due to community interest and/or benefit.

3) Type III review: A Type III process involves standards that require the exercise of substantial discretion by the planning commission or a hearings officer and about which there may be a broad public interest. Type III reviews include:

(i) New construction or expansions of existing construction of any of the following:

1. 4,001 square feet or more floor area

2. Twenty-one or more new parking spaces

3. Residential proposals with more than ten (10) units.

(ii) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.

(iii) Subdivisions

(iv) Conditional Use Permits

Table 17.230.020 – Uses

Use	C	MX
Residential		
Residential uses above the ground floor or story and up to 30% of ground floor or story		P
Existing single-family residential uses may be rebuilt if discontinued for a period of not less than 24 months		P
Tourist habitation/bed and breakfast/ home occupations		P
<u>Home Occupations</u>		<u>P</u>

Use	C	MX
Medium density residential <u>(16 dwelling units per acre)</u>	C	P
<u>Zero lot line development subject to requirements of 17.335.100</u>	<u>P</u>	
Retail Sales – Food		
Markets in excess of 15,000 square feet gross floor area	P	C
Markets – Under 15,000 square feet of gross floor area	P	
Bakery – Primarily retail outlet (greater than 10,000 square feet of gross floor area)	P	
Bakery – Primarily retail outlet (less than 10,000 square feet of gross floor area)	P	C
Retail Sales – General		
General retailer (over 25,000 square feet gross floor area)	P P	
General retailer (under 25,000 square feet gross floor area)	P	C
Single purpose/specialty retailers (less than 10,000 square feet gross floor area)	P P	
Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)	P	C
Yard and garden supplies, including nurseries	P	X
Adult entertainment	C	X
Retail Sales – Restaurants, Drinking Establishments		
Restaurants and drinking establishments, <u>(including outdoor dining, portable walk-up vendors (not including drive-through facilities) such as but not limited to espresso carts, and food stands, and other uses generally conducted outside in conjunction with a permitted commercial food and drink service use, unless otherwise prohibited by this the CBMC or State Law.</u>	P	
Drive-through, drive-in or drive-up facilities subject to the requirements of CBDC 17.335.070	P	
Retail Sales and Services – Automotive and Related Automotive and Equipment		
Sales/rentals, light equipment – Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.	C	X
Sales/rentals, heavy equipment – Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft,	C	X

Use	C	MX
together with incidental maintenance. Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.		
Repairs, light equipment – Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.	P	
Repairs, heavy equipment – Repair of trucks, construction and logging equipment, as well as the sale, installation, or servicing of automotive equipment and parts, together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.	X X	
Manufactured home sales	PC	X
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	P	C
Fleet storage – Fleet storage of vehicles used regularly in business operation but not for the long-term storage of vehicles, nor for vehicles available for sale. Typical uses include taxi fleets, mobile catering truck storage, or auto storage garages.	P	X
Commercial off-street parking facilities	P	C
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	P	X
Transportation terminals		
– Freight	C	X
– People	P	
Retail Sales – Building Materials and Farm Equipment		
Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	P	X
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	P	C
Hardware, home repair and supply stores (over 20,000 100,000 square feet gross floor area)	PC	X
Hardware, home repair and supply stores (<u>up to and including 19,999</u> 10,000 to 100,000 square feet gross floor area)	P	C
Hardware, home repair and supply stores (under 10,000 square feet gross floor area)	P P	
Farm equipment and implement dealer	P	X
Hay, grain, and feed stores	P	X

Use	C	MX
Retail Sales – Products (Finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building.)		
Retail Sales – Products (Finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building.) Uses of less than 10,000 square feet gross floor area	P	
Uses of 10,000 square feet gross floor area or greater	P	P
Sales and Services – Personal		
Convenience sales and personal services – Establishments or places of business <u>in existing buildings</u> primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, <u>bookstores, clothing and beauty shops, laundromat/dry cleaners, or barbershops, art galleries and art studios.</u> <u>Convenience sales may be offered outdoors such as portable walk-up vendors (not including drive-through facilities) such as but not limited to flower stands and, plant nurseries and other uses generally conducted outside in conjunction with a permitted personal and retail service commercial use, unless otherwise prohibited by the CBMC or State law.</u>	P	
Personal services, general – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as “spectator sports and entertainment,” or “participant sports and recreation,” or “group care.” Typical uses include photography studios, driving schools, or reducing salons, <u>exercise studios</u> –laundromats, or dance instruction.	P/ P	
Funeral and interment services: undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals	P P	
Marijuana retail sales subject to the requirements of CBMCC 17.335.080 <u>sections 1 – 8 and 10.</u>	P P	
Services – General		
Business support service – Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, blueprint services, or printing and duplicating firms.	P P	
Professional and administrative services – Offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.	P P	
Building/property maintenance service – Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than	P P	

Use	C	MX
individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.		
Moving and storage (mini-storage)	C	X
Financial, insurance, and real estate services – Establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms.	P P	
Event facilities (less than 10,000 square feet)	P	C
Event facilities (greater than 10,000 square feet)	P P	
RV storage	P	C
Services – Tourist Habitation		
<u>Tourist Habitation as defined in 17.150.020 (Definitions); —with the exception of campgrounds as conditionally permitted in commercial land use districts as specified in CBMC table 17.230.020 – Uses. Lodging—Lodging services involving the provision of room and/or board. Typical uses include hotels or motels.</u>	P P	
Campground – Campground services involving <u>but not limited to</u> transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.	C	X
Services – Medical and Health		
Hospitals	X X	
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services	P P	
Ambulance services	P P	
Sanitaria, convalescent and rest homes	P P	
Orthopedic equipment and supplies, rental, sales and services	P P	
Services – Animal Sales and Services		
Auction – Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.	X X	

Use	C	MX
Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.		P P
Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.	C	X
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies		P P
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.	C C	
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	C	X
Animal waste processing – The processing of animal waste and by-products, including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes		X X
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds		X X
Services – Amusement		
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings	C C	
Theaters, indoor		P P
Drive-in theaters, stadium and arena facilities	C C	
Participant sports and recreation: indoor – Those uses conducted within an enclosed building. Typical uses include bowling alleys, skating rinks (ice and/or roller), billiard/pool parlors, video arcades, swimming pools, physical fitness centers, or racquetball centers.	P	C
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.	P	C
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	C	X
Services – Educational		
Nursery schools, preschools	P	C
Day care facilities		P

Use	C	MX
		P
Libraries	P P	
Vocational schools	P C	
Artistic studios and schools including but not limited to dance, music and martial arts (less than 10,000 square feet)	P P	
Artistic studios and schools including but not limited to dance, music and martial arts (greater than 10,000 square feet)	P	C
Public parks, parkways, recreation facilities, trails and related facilities	P	C
Public/private educational institutions	P	C
<u>Outdoor events related to grant openings and similar special business events.</u>		P
Services – Membership Organizations		
Business, professional and religious (not including churches)	P	P
Civic, social, fraternal, charitable, labor and political (less than 5,000 square feet)	P	P
Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)		P P
Churches		CP C
Distribution Facilities (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building.)		
Distribution facilities	C	X
Public Services and Facilities		
Buildings entirely dedicated to public services, such as city hall, police and fire substations		P P
Sewer, water and utility transmission lines	P	C
Wireless communications facilities		P P
Museums, historic and cultural exhibits and the like		P P
U.S. post offices		P P
Public transit facilities including park and ride facilities		P P
Bus shelters (subject to a Type II site plan review)		P

Use	C	MX
	P	
Accessory Uses and Activities		
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	X X	
Drive-through or drive-up facilities	C C	
Open Air Activities		
Open air display of plants and produce in conjunction with a permitted use	P P	
Open air storage of materials	C C	
Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	P P	
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	P	C
Other Uses		
Temporary uses	P P	
Solid waste handling and disposal sites	X X	
Agricultural uses	X X	
All uses or services not listed, unless determined to be similar to a listed use		
<u>Other similar uses deemed by the Director to be compatible with the C/MX districts and adjacent land uses.</u>	<u>Review type dependent upon size and intensity of use.</u>	

17.230.030 Development standards.

(1) New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 17.230.030. ~~Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.~~

Chapter 17.235

INDUSTRIAL-COMMERCIAL DISTRICT (I-C)

Sections:

- 17.235.010 Purpose.
- 17.235.020 Permitted and Conditional uses.
- 17.235.030 Dimensional requirements.
- 17.235.040 Industrial-commercial development standards.

17.235.020 Permitted and Conditional uses.

The following uses in the Industrial-Commercial (I-C) zone are permitted (P), conditional (C) or prohibited (X). The permitting type for each use shall be subject to the land use process noted in Table 17.235.020 and the criteria specified in 17.235.020 (1-3)

1) Type I review:

A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the Director about technical issues. Type I reviews include:

- (i) Residential proposals creating less than 10 new units.
- ii) Modifications to interior of an existing structure that does not change the intensity or a use
- (iv) Installation or replacement of underground utilities.
- (v) Painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.
- (vi) Other development the Director determines does not result in an appreciable increase in land use activity and intensity and does not create an additional significant adverse impact.

2) Type II review:

A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the Director about nontechnical issues and about which there may be a limited public interest. Type II reviews include:

- (i) Changes in use of an existing structure or site
- (ii) New construction or expansions of existing develop which does not exceed:
 - 1. 4,000 square feet of floor area
 - 2. Twenty new parking spaces
 - 3. Residential proposals with four (4) structures with up to and including ten (10) units.
 - 4. All changes in the use of a structure that increase the intensity of use by increasing the gross floor area by more than 20% up to a total of 4,000 square feet or introducing a use requiring more than 15% of the parking required by the original use up to and including twenty new spaces.
- (iii) Property line adjustments and partitions
- (iv) Other development the Director determines warrants appropriate for a Type II review due to community interest and/or benefit.

3) Type III review:

A Type III process involves standards that require the exercise of substantial discretion by the planning commission or a hearings officer and about which there may be a broad public interest. Type III reviews include:

- (i) New construction or expansions of existing construction of any of the following:
 1. 4,001 square feet or more floor area
 2. Twenty-one or more new parking spaces
 3. Residential proposals with more than ten (10) units.
- (ii) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.
- (iii) Subdivisions
- (iv) Conditional Use Permits

The authorization process for land uses are subject to the requirements of as indicated in Table 17.235.020 and 17.130.030(a-c); if there is a conflict between the two sections, the requirements of 17.130.030(a-c) shall prevail.

Table 17.235.020 – I-C Uses

Use	I-C
Residential	
Residential uses above the ground floor or story and up to 30 percent of ground floor or story when secondary to commercial uses. Including residences for a caretaker or night watchman.	P
Existing single-family residential uses may be rebuilt if discontinued for a period of not less than 24 months	P
Tourist habitation/bed and breakfast and home occupations	P
<u>Home Occupation</u>	<u>P</u>
<u>Medium density residential (16 dwelling units per acre) with ten (10) units or less</u>	<u>P</u>
Medium density residential <u>(16 dwelling units per acre) with more than ten (10) units</u>	C
<u>Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses of five or fewer persons</u>	<u>P</u>
Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses <u>of more than five persons</u>	C
Homeless shelter <u>meeting Type II permitting criteria</u>	P
<u>Homeless shelter meeting Type III permitting criteria</u>	<u>C</u>
Retail Sales – Food and Beverages	
<u>Retail establishment selling food and/or beverages</u> Markets in excess of 15,000 square feet gross floor area	<u>P</u>

Use	I-C
Markets—under 15,000 square feet of gross floor area	P
Bakery — primarily retail outlet (greater than 10,000 square feet of gross floor area)	P
Bakery — primarily retail outlet (less than 10,000 square feet of gross floor area)	P
Public Services and Facilities	
Bus shelters (subject to a Type II site plan review)	P
Other Uses	
All uses or services not listed, unless determined to be similar to a listed use.	X
Other similar uses deemed by the Director to be compatible with the IC district and adjacent land uses.	P

[Ord. 513 § 7 (Exh. 2), 2019; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 486 § 2, 2017; Ord. 473 § 3 (Exh. A), 2016].

17.235.030 Dimensional requirements.

Table 17.235.030 establishes dimensional requirements for industrial-commercial districts:

**Table 17.235.030 – I-C
Dimensional Requirements**

Standard	I-C
Minimum lot size	No requirements
Minimum lot frontage	No requirements
Minimum lot width	No requirements
Front and street side yard building setback	10 feet side yard setback if abutting residential zone
Side and rear yard building setback	10 feet if abutting residential zone
Minimum distance between principal buildings	As per the International Building Code. No requirement other than those imposed by the building code
Maximum building coverage	As per the International Building Code. No requirement other than those imposed by the building code
Maximum height	As per the International Building Code. No requirement other than those imposed by the building code

Standard	I-C
Landscaping <u>consistent with 17.335.060 (2-15)</u>	A minimum of twenty (20) percent of the site shall be landscaped. <u>Landscaping may include vegetated stormwater treatment facilities and/or pedestrian plazas no less than 10 feet with a minimum lot size of six hundred fifty (650) square feet. If a pedestrian plaza is proposed a minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paving material.</u>

[Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.235.040 Industrial-commercial development standards.

Developments in the I-C zoning district shall be designed and constructed in accordance with the following standards:

(1) Shared access points with abutting or adjacent development shall be provided whenever practicable as determined by the Director.

~~(2) New land divisions creating lots of less than one acre are not permitted unless consistent with a site plan approved under the standards of this title.~~

~~(23) Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.~~

(34) Service Roads, Spur Tracks, Hard Stands, Outside Storage Area. No service road, hard stand or outside storage area, or similar use shall be permitted within required setbacks adjoining residential districts.

(45) Fences and Walls. Sight-obscuring fencing or walls, visible from the public right-of-way, shall be screened with dense sight-obscuring plant materials.

(56) Site Landscaping and Design Plan. A Landscaping and Design Plan shall be approved by the Director. Development within this zoning district shall be subject to site plan review prior to the issuance of a building permit; which review may be conducted concurrent with the processing of building permits. The following ~~in addition to the site plan application requirements, the following~~ requirements shall apply:

(a) ~~Blank walls are discouraged next to residential zones.~~ If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least 11 feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.

(b) Building facades facing public streets shall have 50 percent of the total surface area of the wall transparent.

(c) Private Parking areas adjacent to City rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three feet; a combination thereof may be permitted at the discretion of the Director. ~~-A combination of walls, berms and landscape materials is highly recommended. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of 35 miles per hour or above, in order to separate the pedestrian from heavy or high-speed traffic on adjacent roads.~~

(d) Primary building entrances shall be physically oriented to the street or to a pedestrian walkway with entry way features at a pedestrian scale. -

(e) If a development is located within 250 feet of an existing or proposed transit stop, the applicant shall comply with transit authority requirements for a transit stop and / or shelter. ~~provide a transit stop and shelter directly adjacent or as close as possible to the main building entrance as the transit authority requires.~~

(f) All off-street parking areas shall be planted with a minimum of one deciduous tree for every six parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.

(g) Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live ground cover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.

(h) A minimum of 20 percent of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy the requirement. To qualify as a pedestrian plaza the following conditions must be met:

(i) Minimum Size. A minimum of 10 feet depth and width with a minimum size of 650 square feet.

(ii) Paving. A minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.

(i) Structures and open spaces should be clustered on site to maximize the campus and open space qualities within the development.

(j) When security fencing is required, it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every 50 feet for a distance of at least five feet.

~~(67)~~ Pedestrian Access Plan. An on-site pedestrian circulation system must be provided, which connects the street to the public entrances of the structure(s) on site.

(a) The circulation system shall be hard-surfaced and be at least five feet wide.

(b) Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).

(c) The on-site pedestrian circulation system and parking areas must ~~be lighted to a level-~~ have a minimum average illumination level of 10 Lux (1.0 FC). The uniformity ratio should be designed for 3:1. to provide ~~which provides~~ adequate pedestrian lighting so that parking areas can be used safely when natural light is not present.

Chapter 17.240
Waterfront Heritage District (WH)

17.240.080 Architectural Design

(5) Signage. Signs will be reviewed by the design assistance team (DAT) based on the standards set forth below. A sign permit is also required which will be reviewed by staff pursuant to the provisions in Chapter [17.333](#) CBDC, Signs. If the provisions conflict, the stricter shall apply.

(vi) Miscellaneous. Sign types not otherwise listed which comply with the requirements of this subsection may be allowed upon approval by the ~~DAT. historical design review committee.~~

~~(x) Reader board signs are prohibited, except for properties abutting North Bayshore Dr. (U.S. Highway 101) if placed within 10 feet of the west property line.~~

**Chapter 17.250
HOLLERING PLACE DISTRICT (HP)**

17.250.070 Property development requirements.

The property development requirements shall apply to all development in the HP district:

(5) ~~Maintenance. Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair. Repealed by Ord. 511.~~

(6) Murals are prohibited.

(7) ~~Site Plan Review. A PUD, as required for the HP zoning district, requires, in part, approval of a site plan review, as set forth in Chapter 17.365 CBDC, Site Plan Review. Likewise, after approval of the PUD, a site plan may be required to ensure an improvement is suitably related to its site and surrounding site and structures.~~

~~(a) Emergency actions requiring correction of unsafe or dangerous conditions. The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any buildings or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.~~

~~(b) Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.~~

**Chapter 17.270
WATERSHED DISTRICT (WS)**

17.270.020 Permitted uses.

Only uses related to the operation and maintenance of the water system are allowed. Civic uses authorized by the Coos Bay/North Bend water board may also be allowed on property within the watershed district, provided the use takes place on property that does not directly drain into Upper or Lower Pony Creek Reservoir. However, the use will be subject to a Type II site plan review. ~~(see Chapter 17.365 CBDC)~~. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.330 Parking

17.330.060 Multifamily parking lots and circulation.

Except for townhouse structures containing garages, parking lots and garages for developments in MDR zoning districts shall be located in the rear portions of the property, with building construction occurring toward the front, closest to employment centers, shopping centers and transit corridors to minimize walking distance. Parking lots and garages located between buildings and streets are not permitted, except for townhouse structures that contain garages, in which case no more than 40 percent of the front of each townhouse dwelling unit shall be devoted to garage door space.

(5) Parking lots associated with conditional ~~or nonconforming~~ uses in ~~these~~ districts ~~is~~are subject to Planning Commission approval. ~~site plan review and approval.~~ Parking lot expansion for nonconforming use shall be subject to the requirements of Chapter 17.328

**Chapter 17.335
SUPPLEMENTARY DEVELOPMENT STANDARDS**

Sections:

- 17.335.010 Generally.
- 17.335.020 Height of fences and hedges.
- 17.335.030 Solid waste.
- 17.335.040 Lighting.
- 17.335.050 Noise.
- 17.335.060 Landscaping.
- 17.335.070 Drive-ins/drive-throughs.
- 17.335.080 Indoor marijuana-related businesses.
- 17.335.090 Zero Lot line development

17.335.020 Height of fences and hedges.

(1) Residential Fences, walls and hedges not greater than eight feet in height shall be permitted on or within all property lines which are not within any vision clearance area. ~~For any fence greater than eight feet in height a setback from the property line of one foot shall be provided for each additional foot or fraction of a foot.~~

17.335.040 Lighting.

(3) Lighting features on any site shall not ~~cause more than one foot candle measured at any property line. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.040]. exceed 15' in height if located on abutting property lines, 25' in height for freestanding outdoor light features on industrial property, and a 20' height limit for fixtures on all other non-residential property.~~

17.335.090 Zero Lot line development

A. Standards.

The general conditions of the district shall prevail in addition to the special standards listed in this section: (See Figure 17.340.030.)

(1) The lot(s) contiguous to the zero-setback yard must be under the same ownership at the time of initial construction, or the applicant must produce written evidence that the contiguous property owner consents to this type of construction and is willing to enter into the required covenant agreement.

(2) The yard setback on the lot contiguous to the zero-lot line development must comply with the requirements of the Uniform Building Code.

(3) If dwellings are constructed against both side lot lines, access must be provided along the rear lot lines for public pedestrian or vehicular access to the rear yards and for access by protection service vehicles.

(4) When two dwellings are built against the same zero lot line, no portion of them shall project over any property line.

(5) Property owners of this kind of development and property owners of contiguous property shall sign a covenant agreement with the city which shall be recorded against the lots as a condition of project approval to be recorded prior to occupancy. The agreement shall provide that:

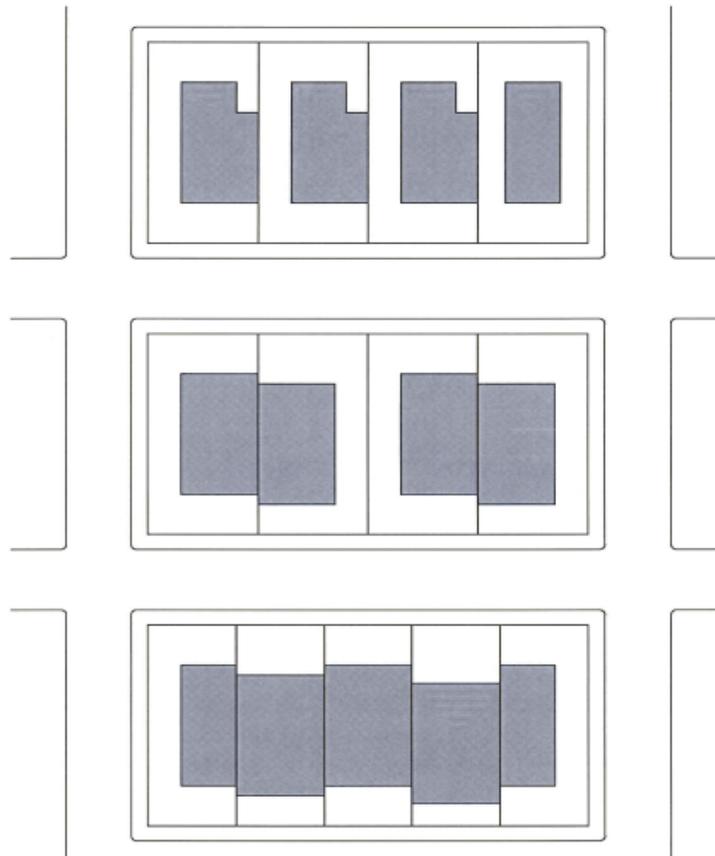
(a) In case of destruction of one or more units, new construction must follow the same concept of construction as previously designed.

(b) Each owner shall carry fire and liability insurance on their portion of the building with the contiguous owner(s) also listed on the policy.

(c) Provisions for the maintenance of the zero-lot line wall, the roof and any common facilities are included.

(d) The procedures for the resolution of disputes is specified.

Figure 17.335.010.030 – Examples of Zero Lot Line Development



Chapter 17.362 PLANNED UNIT DEVELOPMENT

Sections:

- 17.362.010 General.
- 17.362.020 Preliminary PUD application contents.
- 17.362.030 Approval criteria for a ~~preliminary~~ PUD.
- 17.362.040 Property development requirements for PUD subdivisions.
- 17.362.050 Expiration and extension of preliminary PUD approval.
- 17.362.060 Construction prior to final plat approval – Bonds.
- 17.362.070 Improvement plans.

17.362.010 General.

(1) For subdivision of land . The planned unit development (PUD) process is established to encourage the development of single or multiple tracts of land as one project. An approved PUD may deviate from specific site standards as long as the PUD substantially complies with general purposes of the applicable standards of this title. The PUD approach is appropriate if it maintains compatibility with surrounding areas and creates an attractive, healthful, efficient, and stable environment. It is the intent of the PUD chapter to: achieve a more efficient use of land through shared facilities and services, thereby economizing on development costs; afford innovative design opportunities rather than the conventional lot-and-block land use so that a developer gains freedom in the placement and uses of buildings and open space, and in the design of facilities and traffic circulation systems; maximize development potential of building sites constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions; and provide substantial active and passive open space and trail systems for use of nearby residents. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.010].

(2) For Development projects.

The planned unit development (PUD) process accommodates projects designed to meet the intent of the Comprehensive Plan but allows projects to deviate from underlying development standards consistent with 17.362.030(2). The PUD approach can facilitate innovative design, placement of buildings and open space and is appropriate if a project will maintain compatibility with surrounding areas and create an attractive, healthful, efficient, and stable environment.

17.362.020 Preliminary PUD application contents.

(1) PUD related to a subdivision. An applicant for a preliminary partition shall submit the materials required ~~for~~ of 17.130.040 and 17.130.050 and the subdivision requirements of ~~CBDC~~ 17.367.030, Preliminary plat application contents. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.020].

(2) PUD related to development projects. A land use application shall include the requirements specified in 17.130.040 and 17.130.050.

17.362.030 Approval criteria for a preliminary PUD.

(1) Subdivision PUD. The review authority shall evaluate a preliminary PUD against the approval in CBDC 17.367.040, Approval criteria for a preliminary plat, and the requirements of this chapter. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.030].

(2) Development project PUD. The review authority shall evaluate a PUD against the approval requirements of the CBMC to accommodate an adjustment the numerical standards for the following: setbacks, building heights, landscaping, lot coverage and lot dimensions or lot area. However; deviation from these standards shall not exceed the limits of the Uniform Building Code.

17.362.040 Property development requirements.

~~(1) Minimum Area. The minimum gross area of a PUD is two acres.~~

~~(12) Permitted Uses. Within a PUD, the city may allow any permitted or conditional use in any residential zone of the city as a part of the land use permitting conditional use process, regardless of the underlying zoning district. Within commercial or industrial districts, the conditional and permitted uses of the underlying district shall be permitted.~~

~~(23) Density. The density of a PUD shall not be more or less than 10 percent of the overall density permitted by the underlying zoning district.~~

(34) Access and Roads.

(a) The development shall provide vehicular and pedestrian access from a dedicated and improved street.

(b) Private streets within the development shall meet the following minimum paving standards:

(i) Eighteen feet where no on-street parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed only on one side of the right-of-way.

(iii) Thirty-six feet where parking is permitted on both sides of the right-of-way.

(iv) All private streets within a PUD shall be designed and constructed to city standards.

(v) An additional three feet on each side of pavement shall be designated as right-of-way area in which no construction shall take place.

(vi) The review authority shall approve the names of all streets within the PUD. The owner or operator of the development shall furnish, install, and maintain street signs of a type approved by the review authority.

(45) Services.

(a) Fire Protection. The PUD shall provide on-site fire protection facilities in accordance with current regulations and requirements of the city applicable to the development.

(b) Lighting. All roads within a the planned unit development shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

(56) Recreational Areas and/or Open Space (Residential Subdivisions Only).

(a) Minimum Area. A PUD shall provide not less than 40 percent of the total gross area as recreation areas and/or open space. Designated recreational and/or open space shall contain a minimum area of 3,000 square feet with a minimum dimension of 30 feet.

(b) Plan. The plan shall contain the following:

(i) The boundaries of the proposed area;

(ii) A written explanation of the purpose of the area and a description of any improvements to be made; and

(iii) A description of the manner in which the area will be perpetuated, maintained, and administered.

(c) Guarantee. The preservation and continued maintenance of property commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.

~~(67)~~ Off-Street Parking and Loading. The provisions of Chapter 17.330 CBDC shall apply.

~~(78)~~ Signs. The provisions of Chapter 17.333 CBDC shall apply. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.040].

17.362.050 Expiration and extension of ~~preliminary~~ PUD approval –

(1) A Subdivision approved as a PUD is subject to CBDC 17.367.050, Expiration and extension of preliminary plat approval. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.050].

(2) A PUD related to all other development is subject to CBDC 17.130.140, Expiration and extension of decisions.

17.362.060 Construction prior to final plat approval – Bonds.

A subdivision approved as a PUD is subject to CBDC 17.367.060, Construction prior to final plat approval – Bonds. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.060].

17.362.070 Improvement plans.

A subdivision approved as a PUD is subject to CBDC 17.367.070, Improvement plans. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.070].