

# CITY OF COOS BAY DEVELOPMENT CODE

(HEARING DRAFT)



April 15, 2015



# DEVELOPMENT CODE

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## SECTION 1: GENERAL ADMINISTRATION

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## Chapter 17.110 General Provisions

### Sections:

- 17.110.010 Title
- 17.110.020 Applicability
- 17.110.030 Standards Designated
- 17.110.040 Purpose
- 17.110.050 Organization
- 17.110.060 Term Construction
- 17.110.070 Hierarchy of Plans and Regulations
- 17.110.080 Timing of Regulations
- 17.110.090 More Restrictive Provisions Govern
- 17.110.100 Severability
- 17.110.110 Minor Modifications to this Title

#### **17.110.010 Title**

This document is known as “The Coos Bay Development Code (CBDC).” This document replaces all other related development chapters and ordinances within the City of Coos Bay.

#### **17.110.020 Applicability**

No building or other structure shall be constructed, improved, altered, enlarged or moved; nor shall any use or occupancy of premises within the City be commenced or changed after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed by this title. Where the CBDC imposes greater restrictions than those imposed or required by other rules, regulations or ordinances, the provisions of the CBDC shall control. It is unlawful for any person, firm, or corporation to erect, construct, establish, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to the provisions of this title.

#### **17.110.030 Standards Designated**

The standards this title establishes are the minimum requirements necessary to protect public health, safety and general welfare. The City may impose conditions of approval beyond the standards identified protect public health and welfare to allow the use or activity being proposed.



#### **17.110.040 Purpose**

The purposes of this document are to: Implement the Coos Bay Comprehensive Plan (CBCP); Encourage appropriate use of land; Conserve and stabilize the value of property; Aid in rendering of fire and police protection; Provide adequate open space for all types of recreation; Lessen the congestion on streets; Create orderly growth within the City and UGA; Distribute population wisely; Improve the City's appearance; Facilitate adequate provision of urban level utilities and facilities such as water, sewage, electrical distribution, transportation, schools, parks, and other public requirements; and Promote public health safety and general welfare.

#### **17.110.050 Organization**

The text of this title is organized as follows: Section 1, General Administration Chapters; Section 2, Zoning Chapters; and Section 3, Land Divisions and Development Chapters.

#### **17.110.060 Term Construction**

- A. Defining Words. All words used in this title unless otherwise defined in Chapter 17.140, Definitions, shall be defined by the latest version of Merriam Webster's Unabridged Dictionary.
- B. Tenses and Usage.
  - 1. Words used in the singular include the plural. The reverse is true.
  - 2. Words used in the present tense include the future tense. The reverse is true.
  - 3. The words "must," "shall," "will" and "will not" are mandatory.
  - 4. "May" is permissive.
  - 5. "Prohibited" means that the proposed use or improvement is not allowed. An adjustment, variance, conditional use or other land use review shall not be approved if the effect of the approval would circumvent a prohibition. This does not preclude the Council from making legislative changes in accordance with state law.
- C. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
  - 1. "And" indicates that all connected items or provisions apply;



2. "Or" indicates that the connected items or provisions may apply singly or in combination; and
  3. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
- D. Lists. Lists of items that state "Including the following," "such as," or similar language are not limited to just those items. Lists provide examples, but do not exhaust all possibilities.

#### **17.110.070 Hierarchy of Plans and Regulations**

- A. General hierarchy. When interpreting land use plans, policies, maps and standards, the City review authority shall apply the following general hierarchy of authority. In case of ambiguity or conflict, the review authority shall refer to and rely upon the Coos Bay Comprehensive Plan (CBCP) for guidance above all other City texts or maps.
1. The CBCP is the highest authority. Plan text supersedes plan designation maps.
  2. The Coos Bay Development Code (CBDC) text and zoning maps are the next level of authority. CBDC text supersedes zoning maps. Interpretations of CBDC text and zoning maps must be consistent with the CBCP.
  3. The City public works and engineering standards are the lowest authority. Interpretations of the City public works and engineering standards must be consistent with the CBCP and with the CBDC text and zoning maps.
  4. The review authority shall not interpret general language in the CBCP so as to supersede specific or numeric standards in the CBDC or adopted engineering standards.

#### **17.110.080 Timing of Regulations**

- A. Land Use Approval and Building Permits.
1. The review authority shall not process an application until the review authority finds the application to be technically complete.
  2. A technically complete application is an application that fully complies with the relevant portions of Chapter 17.130 (Procedures) and this title.
  3. The City will process technically complete applications for land use review relying upon the regulations in effect at the time the applicant submitted a complete application to the City.



- B. Legislative Changes. Applications for legislative changes, such as a plan amendment or annexation, do not create a vested right to development regulations in effect at the time the legislative application was submitted.

#### **17.110.090 More Restrictive Provision Governs**

Where the conditions imposed by any provision of this title upon the use of land or building or upon the size, location, coverage or height of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or of any ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

#### **17.110.100 Severability**

If a court law finds any section, paragraph, sentence, or word of this title void or unconstitutional, all other parts of this title which are not expressly held void or unconstitutional shall continue in full force and effect.

#### **17.110.110 Minor Modifications to this Title**

The Community Development Director (Director) may make minor modifications to this title using a Type I process. These minor modifications include numbering, grammar, language clarifications and other minor corrections.



## **Chapter 17.120 Administration**

### **Sections:**

- 17.120.010 Planning Commission
- 17.120.020 Planning Department
- 17.120.030 Review Authority
- 17.120.040 Interpretations
- 17.120.050 Conditions of Approval
- 17.120.060 Administrative Authority
- 17.120.070 Enforcement
- 17.120.080 Record Maintenance
- 17.120.090 Application Fee Schedule

### **17.120.010 Planning Commission**

The Coos Bay Planning Commission (Commission) shall consider and take actions consistent with Chapter 2.35 of the Coos Bay Municipal Code (CBMC).

### **17.120.020 Planning Department**

The City Council may, at its discretion, create a Coos Bay Planning Department (Department) which shall have such duties, authority and financing as the Council deems appropriate. The City Manager shall assign a person with the responsibility of directing the activities of the Coos Bay Planning Department who shall be known as the Community Development Director (Director).

### **17.120.030 Review Authority**

The review authority is an individual or governing body delegated with the responsibility of issuing a final decision on a land use proposal. The review authorities responsible for issuing final decision for land use proposals are:

- A. Type I application, Director,
- B. Type II application, Director,
- C. Type III application, Planning Commission, and



- D. Type IV application, City Council, upon receipt of the recommendation of the Planning Commission.

#### **17.120.040 Interpretations**

- A. The review authority responsible for making a decision regarding a given application may interpret relevant ambiguous terms in this title in the course of or in advance of making a decision on the merits of the application.
1. If an interpretation is made in advance of a decision on the merits of an application, the interpretation shall be conducted as a Type I review and shall be included as part of the decision on the merits of the application.
  2. An interpretation may be appealed as part of an appeal of the decision on the merits of an application.
- B. A use that is not listed in any zone or district may be permitted by similar use determination pursuant to Type I process.

#### **17.120.050 Conditions of Approval**

The review authority may impose conditions of development approval necessary to either ensure compliance with the purposes of this title, or to preserve and promote the general health, safety and welfare of Coos Bay.

#### **17.120.060 Administrative Authority**

- A. Designation of Review Authority and Responsible Official.
1. Unless otherwise noted, the Director is the primary review authority and shall interpret and apply the provisions of the CBDC.
  2. Where noted in the CBDC, the City Public Works Director shall interpret and apply the provisions of the CBDC relating to transportation, water and sewer facilities and all other City infrastructure.
  3. The Coos Bay Building Official shall interpret and apply the building and construction provisions which the City has adopted.



4. The Coos Bay Fire Chief is the responsible official for the purpose of administering the International Fire Code, CBDC 15.05.030(2).

#### **17.120.070 Enforcement**

The review authority shall determine the applicability of the CBDC for enforcement purposes. All departments, officials and public employees of the City vested with the duty or authority to issue permits, shall conform to the provisions of the CBDC and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by the CBDC. Any permit, certificate or license issued in conflict with the provisions of the CBDC, intentionally or otherwise, shall be void. The review authority shall be responsible for carrying out the enforcement provisions of this title.

#### **17.120.080 Record Maintenance**

- A. The Director shall maintain the official Coos Bay Comprehensive Plan Map, Zoning Map, and other official land use maps and shall, from time to time, update these maps to reflect amendments by the City Council.
- B. The City shall maintain the complete record of all land use planning applications and decisions.

#### **17.120.090 Application Fee Schedule**

The City Council shall establish a land use application fee schedule which should be reviewed on a yearly basis.



## Chapter 17.130 Procedures

### Sections:

- 17.130.010 Review Required
- 17.130.020 Pre-application Review
- 17.130.030 Application Types and Classification
- 17.130.040 Application Contents
- 17.130.050 Review for Technically Complete Status
- 17.130.060 Reserved
- 17.130.070 Approval Criteria
- 17.130.080 Type I Procedure
- 17.130.090 Type II Procedure
- 17.130.100 Type III Procedure
- 17.130.110 Type IV Procedure
- 17.130.120 Notices
- 17.130.130 Appeal
- 17.130.140 Expiration and Extension of Decisions
- 17.130.150 Post-Decision Review

### 17.130.010 Review Required

Land use project review and approval is required prior to issuance of building permits for the following:

- A. All residential developments which result in more than one dwelling unit;
- B. All conditional uses and new uses in any district;
- C. All changes in the use of a structure or land that increase the intensity of use, such as by increasing the gross floor area, height or bulk of the structure, number of access points or parking spaces, number or size of signs, or other measures of intensity or changes the structure location or significant elements of the site plan or design; and



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

#### **17.130.020 Pre-Application Review**

##### **A. Applicability**

1. Unless otherwise expressly provided in this title, all applications subject to Type II, Type III, or Type IV review are subject to pre-application review unless the Director waives the requirement in writing.
2. The applicant shall submit the pre-application materials to the City.

- B. Waiver. The City discourages waiver of the pre-application process. In the event that the Director waives the pre-application review, the pre-application waiver shall state 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.

##### **C. Application Contents.**

1. At a minimum, a pre-application submittal shall include the following:
  - a. The requisite fee and three (3) paper copies and one (1) electronic copy of the following information;
  - b. A completed form provided by the City for that purpose;
  - c. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  - d. A preliminary site plan which should 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. The applicant is encouraged to submit drawings showing the elevation(s) of a proposed primary structure;

- e. Proposed dedications to the City or other agency, if applicable;
- f. A written description of the proposed use or development. The description shall identify any variances, adjustments or exceptions needed for approval of the plan.

D. Scheduling, Notice and Attendees.

1. Within 7 calendar days after receipt of an application for pre-application review, the City shall mail or otherwise convey written notice of the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference.
2. The pre-application conference shall be scheduled not more than 21 calendar days after the notice is mailed or otherwise conveyed.
3. The 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), Director of Public Works, the consulting City engineer, a representative from affected service districts, and representatives from interested state agencies and neighborhood associations recognized by the City Council or by Coos County.

E. Meeting Summary. Within 14 calendar days after a pre-application conference, the 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:

1. Summarize the proposed application(s);
2. Provide the relevant approval criteria and development standards in the City code or other applicable law; and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;
3. Evaluate the information offered by the applicant to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;



4. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;
5. Identify information relevant to the application that may be in the possession of the City or other agencies of which the City is aware, such as:
  - a. Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;
  - b. Physical development limitations, such as steep or unstable slopes, wetlands, or water bodies, that exists on and in the vicinity of the property subject to the application;
  - c. Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.
- F. Time Limit. The written summary of a pre-application conference is valid for up to one year. 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 may be required.

#### **17.130.030 Application Types and Classification**

- A. Applicability. Applications for land use review are subject to procedures in this chapter unless otherwise expressly provided in other titles of the CBDC.
- B. Concurrent Application. If the applicant requests more than one type of review for a given development, an applicant may submit all applications required for the development at one time, unless otherwise prohibited from doing so by law. Concurrent applications for a given development are subject to the highest number procedure that applies to any of the applications.
- C. 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 shall decide which of the four procedures will apply, based on the following considerations:
  1. A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment about technical issues.



2. A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest.
3. A Type III process involves standards that require the exercise of substantial discretion and about which there may be a broad public interest.
4. A Type IV process involves the creation, implementation or amendment of policy or law by ordinance. In contrast to the other three procedure types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners.

D. Undefined review. If this title is silent as to the type of review procedure required, the Director shall, using a Type I review process, determine the appropriate level of review.

#### **17.130.040 Application Contents**

An applicant for development review shall submit the requisite fee and three (3) paper copies and one (1) electronic copy of the information required by CBDC 17.130.050 except as otherwise provided therein, and drawings showing the elevations of all sides of proposed structure(s). Additional copies may be required depending upon who the review authority is for the application type.

#### **17.130.050 Review for Technically Complete Status**

- A. Applicability and Schedule. Before accepting an application subject to a Type I, II, III or IV review, the Director shall determine within 30 calendar days after the application is submitted whether the application is technically complete.
- B. Standards for Technical Completeness. 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 copies of the following information:
  1. A completed form provided by the City for that purpose;
  2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, 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 reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;
4. Proposed easements or dedications to the City or other agency, if applicable;
  5. 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;
  6. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;
  7. A legal description of the site;
  8. A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required to address issues, comments and concerns in the summary;
  9. A written description of how the application does or can comply with each applicable approval criterion, and basic facts and other substantial evidence that supports the description;
  10. The names and addresses of owners of land within a radius of 150 feet of the site for an application subject to Type II review and within a radius of 300 feet of the site for an application subject to Type III or IV review. Owner names and addresses shall be printed on mailing labels affixed to pre-stamped envelopes.
    - a. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Coos County assessor within 30 days of when the list is submitted.
    - b. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 150- or 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;



11. Applications necessarily associated with the proposal, such as applications for variances to dimensional requirements of the base zone or for modifications to the road standards that are required to approve the proposal;
  12. Preliminary grading, erosion control and drainage plans may be required depending upon the application and if required shall consistent with applicable provisions of this or other applicable City documents;
  13. Information about proposed utilities, including water and sanitary waste.
  14. Other information the Director identified during the pre-application conference as being necessary to issuing a decision on the merits.
- C. Excluded Information. The 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.
- D. Missing Information. If the Director determines an application is not technically complete, within thirty (30) calendar days after the City receives the application the 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 required information and shall not be based on differences of opinion as to quality or accuracy. The statement shall:
1. List what is required to make the application technically complete;
  2. Specify a date by which the required missing information must be provided;
  3. State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and
  4. 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.
- E. Final Actions for a Technically Incomplete Application. If the Director decides that all of the required information is not submitted by the date specified, or as extended, he or she shall:
1. Return the application to the applicant with a statement rejecting the application for lack of completeness and stating the reasons for the return; or



2. Issue a decision denying the application based on a lack of information.
- F. The application will be deemed complete for the purpose of this section upon receipt by the CDD of:
1. All the missing information;
  2. Some of the missing information and written notice from the applicant that no other information will be provided; or
  3. Written notice from the applicant that none of the missing information will be provided.
- G. Pursuant to ORS 227.178, the City will reach a final decision on an application 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 time line or unless State law provides otherwise.
- H. The 120 calendar day time line may be extended at the written request of the applicant.
- I. The applicant may amend the application up to and including fourteen (14) calendar days after the application has been deemed complete.
- J. Amendments to an application submitted more than fourteen (14) calendar days after the application is deemed complete may be determined by the Director to be so substantial that the application should be treated as having been refiled. In such a case, the Director shall provide the applicant with the following options: provide the City with a waiver of the 120-day timeframe set forth in ORS 227.178 of a minimum of fourteen (14) calendar days from the date the amendment was submitted; treat the application as having been re-filed as of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.
- K. For any application which has been on file with the City for more than 180 calendar days and the applicant has not met the obligations of CBDC 17.130.050, the application will be deemed withdrawn.



#### **17.130.060 Reserved**

#### **17.130.070 Approval Criteria**

The review authority shall approve an application for review if he or she finds the applicant has sustained the burden of proving that:

- A. The application complies with the applicable regulations of the Coos Bay 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 and shall be subject to approval prior to final plat approval.
- B. The development makes adequate provision for public services consistent with the level of service provided in adopted City policies, plans and regulations.

#### **17.130.080 Type I Procedure**

- A. Decision. Within 21 calendar days after the date an application subject to a Type I process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the City. The decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval.
- B. Notice of the Decision. Within seven (7) calendar days after issuing a decision regarding an application subject to a Type I process, the City shall mail a copy of the decision to the applicant and applicant's representative(s).
- C. Appeal and Post-Decision Review. The Notice of Decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to CBDC 17.130.150.

#### **17.130.090 Type II Procedure**

- A. Notice of Application. 20 days prior to a Type II review, the City shall mail a written notice of the application as provided in CBDC 17.130.120.
- B. Comments. The City shall mail to the applicant a copy of comments timely received in response to the notice.



C. Decision.

1. Pursuant to CBDC 17.130.050(G), within 120 calendar days after the date an application subject to a Type II process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the City.
2. The decision shall include a brief summary of the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval.

D. Notice of Final Order. Within seven (7) calendar days after issuing a decision, the City shall mail notice of the decision as provided in CBDC 17.030.120.

E. Appeal and Post-Decision Review. The Notice of Decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to CBDC 17.130.150.

**17.130.100 Type III Procedure**

- A. Hearing. An application subject to a Type III process will be considered at one or more public hearings before the City's Planning Commission. Pursuant to CBDC 17.130.050.G, within 120 calendar days after the date an application subject to a Type III process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the City.
- B. Notice of Hearing. At least 20 calendar days before the date of the hearing, the City shall mail public notice of the hearing as provided in CBDC 17.130.120. At least 10 days before the date of the hearing, the City shall cause notice of the hearing to be published and posted as provided in CBDC 17.130.120.
- C. Staff Report. At least seven (7) calendar days before the date of the hearing, the Director shall issue a written staff report regarding the application(s). The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The City shall mail a copy of the staff report to the Planning Commission, the applicant, and the applicant's representative(s) and other parties who request it. Copies of



the staff report also shall be available at City Hall seven (7) days prior to the hearing and at the public hearing.

D. Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the Planning Commission. A public hearing shall be recorded on audio or audiovisual tape.

1. At the beginning of a hearing an announcement shall be made to those in attendance that:
  - a. Lists the applicable approval criteria by Development Code section number.
  - b. Testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the application.
  - c. Failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the decision making authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
  - d. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.
  - e. The decision making authority must be impartial and that members of the decision making authority shall not have any bias or personal or business interest in the outcome of the application. Prior to the receipt of any testimony, members of the decision making authority must announce any ex parte contacts. The decision making authority shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex parte contacts.
  - f. State that if any member of the decision making authority has visited the site, they should describe generally what was observed.
  - g. Summarizes the procedure of the hearing.
2. After the announcements the Chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
3. After the presentation of the staff report, the Chair shall call for the applicant's testimony.



4. At the conclusion of the hearing on each application, the Planning Commission shall announce one of the following actions:
  - a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.
  - b. That the public record is held open to a date and time certain. The Planning Commission shall state where additional evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing.
  - c. That the application(s) is/are taken under advisement, denied, approved, or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in this section.
- E. Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the Planning Commission, or staff, shall submit to the City a written decision regarding the application(s). The decision shall set out the relevant facts and applicable standards for the application(s) and a summary of how the application(s) complies with those standards based on the facts and evidence, including any conditions of approval.
- F. Notice of Decision. Within seven (7) calendar days of the date of the decision, the City shall mail a notice of decision as provided in CBDC 17.130.120.
- G. Appeal and Post-Decision Review. The Notice of Decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to 17.130.150.

#### **17.130.110 Type IV Procedure**

- A. Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the Planning Commission and one or more public hearings before the City Council. The Planning Commission and City Council may combine their meetings into one public meeting.
- B. Notice of the initial Planning Commission hearing. At least 20 calendar days before the date of the first Planning Commission hearing regarding an application subject to a Type IV process, the City Recorder shall mail public notice of the hearing to parties who have requested such notice



and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the City shall cause notice of the hearing to be published as provided in CBDC 17.130.120.

- C. Staff Report. At least seven (7) calendar days before the date of the first Planning Commission hearing, the City shall issue a written staff report regarding the application. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards. The City shall mail a copy of the staff report to the review authority and to other parties who request it. Copies of the staff report also shall be available at the public hearing.
- D. Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded on audio or audiovisual tape.
  - 1. At the conclusion of a Planning Commission hearing on an application subject to a Type IV process, the Planning Commission shall announce one of the following actions, which may not be appealed:
    - a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing; or
    - b. That the Planning Commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the Planning Commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation.
  - 2. At least 14 calendar days before the date of the first hearing before the City Council, the City shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the City shall cause notice of the hearing to be published as provided in CBDC 17.130.120.
  - 3. At the conclusion of its initial hearing, the City Council may continue the hearing, take an action forwarding the application for further review consistent with the Coos Bay Development Code, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional



notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

- E. Appeal and Post-Decision Review. An application subject to a Type IV process is not subject to appeal or post-decision review before the City.

#### **17.130.120 Notices**

- A. Contents of a Notice of Application Subject to Type II Review. The notice of Type II application shall contain at least the following information:
1. The file number;
  2. The name(s) and address(es) of the applicant and owner;
  3. The legal description of the site;
  4. The street address or other easily understood geographical reference to the subject property;
  5. A description of the proposal and a listing of the approval criteria by applicable code section number;
  6. A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the City's cost for providing the copies;
  7. The name and contact information of the City representative to contact regarding the application.
  8. An invitation to comment, in writing, on the proposal and the place, date and time that comments are due.
  9. A statement outlining the appeals process.
- B. Contents of a Notice of a Public Hearing for an Application Subject to a Type III Process. Mailed notice of a public hearing shall contain the following information:
1. The information required by CBDC 17.130.120(A) ;



2. The date, time and place of the hearing;
  3. A statement that the Planning Commission will conduct the hearing in accordance with the rules of procedure adopted by the Planning Commission;
  4. A statement that the staff report will be available at least seven (7) days prior to the hearing and how the report may be viewed; and
  5. A statement that interested parties may testify orally or in writing at the public hearing.
- C. Contents of a Notice of a Decision. Notice of a decision subject to a Type I, Type II or Type III process shall contain at least the following information:
1. A copy or summary of the written decision;
  2. The appeal closing date;
  3. A description of how to file an appeal of the decision; including applicable fees;
  4. A statement that the public record in the case is available for review and the place, days and times for review; and
  5. The name and telephone number of the City staff person to contact for information about the case or to review the case file.
- D. Distribution of Notices by Mail.
1. The City shall mail notice of application subject to Type II review to:
    - a. The applicant and the applicant's representative;
      - (i) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and
      - (ii) 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;
    - b. Agencies with jurisdiction; and



- c. Other persons with standing who request such notice in writing.
  - 2. The City shall mail notice of a hearing regarding an application subject to a Type III process to:
    - a. The applicant and the applicant's representative;
      - (i) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and
      - (ii) 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.
    - b. Agencies with jurisdiction.
    - c. Other persons with standing who request such notice in writing.
- E. Posting of Land Use Applications

The City Clerk or designee shall post notice of an initial hearing for an application subject to a Type III process at the subject property in the public right-of-way abutting the property or on the property subject to the application. The Director shall develop a standard notice format for publication and posting.

#### **17.130.130 Appeal**

- A. Deadline for Appeal. An appeal together with the requisite fee and information must be received by the City within 15 calendar days of the date of the decision being appealed.
- B. Standing.
  - 1. A final decision regarding an application subject to a Type I process may be appealed only by the applicant or applicant's representative.
  - 2. A final decision regarding an application subject to a Type II process may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter.



3. A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the Planning Commission closed the public record in the case.

C. Appeal Contents. An appeal shall include the appropriate fee and the following information:

1. A form provided for that purpose by the City;
2. The case number as designated by the City;
3. The name of the applicant;
4. The name, address and signature of each appellant;
5. The reasons why each aspect is in error as a matter of fact or law; and
6. The evidence relied on to prove the error.

D. Process for an Appeal.

E. Scope of Review.

1. An appeal of a Type I or Type II decision shall be conducted *de novo*.
2. Type III Decision. The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:
  - a. Restricted to the record made on the decision being appealed.
  - b. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
  - c. A de novo hearing on the merits.

F. Appeal Authority

1. Appeal of a Type I Decision. Within seven calendar days after a timely, complete appeal is filed regarding a decision subject to a Type I process, the City shall send to the Planning Commission a copy of the appeal and the case file together with any new evidence submitted with the appeal. Within 21 calendar days after a timely, complete appeal is filed,



the Planning Commission shall send to the City a final decision for distribution to the applicant and applicant's representative.

2. Appeal of a Type II Decision. For an appeal regarding a decision subject to a Type II process, the City shall schedule a public hearing to be held by the Planning Commission not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in CBDC 17.130.100.
3. Appeal of a Type III Decision. For an appeal regarding a decision subject to a Type III process, the City shall schedule a public hearing to be held by the City Council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in CBDC 17.130.100.

G. Review on the Record

1. The record on appeal of a Type III decision shall be limited to:
  - a. A factual report prepared by the Director or the Director's designee.
  - b. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
  - c. The written transcript or electronic recording of the hearing and a detailed summary of the evidence.
2. The appeal authority shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence to any party who has filed a notice of appeal. The appeal authority shall decide if the correct procedure was followed and if so, was the correct or appropriate decision made based on the applicable policies.

H. Review Consisting of Additional Evidence or De Novo Review.

1. Except as otherwise specified in this Code, or required by State law, the appeal authority may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that that additional testimony or



other evidence could not reasonably have been presented at the prior hearing. The appeal authority shall consider all of the following in making such a decision.

- a. Prejudice to the parties.
  - b. Convenience or availability of evidence at the time of the initial hearing.
  - c. Surprise to opposing parties.
  - d. The competency, relevancy and materiality of the proposed testimony or other evidence.
  - e. Such other factors as may be determined by the reviewing body to be appropriate.
2. "De novo hearing" shall mean a hearing by the appeal authority as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

I. Review Body Decision

1. Upon review, the appeal authority shall by final order, affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.
  - a. When the appeal authority modifies or renders a decision that reverses a decision the final order shall set forth its findings and state the reasons for taking the action.
  - b. When the appeal authority modifies or renders a decision that reverses a decision the final order, shall set forth its findings and state the reasons for taking the action.
  - c. When the appeal authority modifies or renders a decision the final order shall set forth its findings and state the reasons for taking the action.
  - d. When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.
2. Action by the appeal authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent



meeting. Pursuant to ORS 227.178 the City shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120 calendar day time line or unless State law provides otherwise. In no case, shall the review body shall render its decision later than sixty (60) calendar days after the filing of the request for review. The City shall file the final decision within five (5) working days after it is rendered.

#### **17.130.140 Expiration and Extension of Decisions**

- A. Except as otherwise expressly provided by the Coos Bay Development Code or the decision in question, decisions made pursuant to this chapter expire two (2) years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or submits an application for project review or a building permit, or undertakes substantial development of the use authorized by the decision. Approval of a preliminary subdivision or partition shall expire within five (5) years from the date of approval.
- B. An application for extension of a decision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the City, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.
- C. The Community Development Director may approve a single one-year extension of a decision if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that 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.

#### **17.130.150 Post-Decision Review**

- A. Generally. Post-decision review may change decisions and conditions of approval without necessarily subjecting the change to the same procedures as the original decision. Changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws. Post-decision review cannot substantially change the nature of the development approved pursuant to a given decision and can only be conducted regarding a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.



- B. Eligibility and Contents. An applicant or successor in interest may, at any time, file an application for post-decision review of a Type I, II or III decision, describing the nature of and the basis for the proposed change to the decision, including the applicable facts and law, together with the fee prescribed for that application by the City Council.
- C. Relationship to an Appeal. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.
- D. Preliminary Processes.
  - 1. Pre-application review is optional.
  - 2. An application for post-decision review is subject to technical completeness review, CBDC 17.130.050; provided, the review authority shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based. As part of the technical completeness review, the Community Development Director shall:
    - a. Determine whether the proposed change can be reviewed as a post-decision review or should be subject to a new application on the merits of the request;
    - b. Classify an application for post-decision review as a Type I, II or III process based on the circumstances of the original decision and the guidelines in subsection (5) of this section.
  - 3. Notify the applicant in writing of the determination and classification.
    - a. The classification of the application is subject to appeal as part of the decision on the merits of the post-decision review.
    - b. A decision denying post-decision review and requiring a new application may be appealed to the Planning Commission.
- E. Post-Decision Review Guidelines.
  - 1. An application for post-decision review of a Type I decision shall be subject to a Type I process.
  - 2. An application for post-decision review of a Type II decision shall be subject to a Type I process if the Director finds the requested change:



- a. Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject and
  - b. Does not involve an issue of broad public interest, based on the record of the decision.
3. An application for post-decision review of a Type II decision shall be subject to a Type II process if it does not qualify for a Type I process.
4. An application for post-decision review of a Type III decision shall be subject to a Type I review process if the Director finds the requested change:
  - a. Unambiguously reduces the adverse impacts of the development authorized by the decision;
  - b. Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and
  - c. Does not involve an issue of broad public interest, based on the record of the decision.
5. An application for post-decision review of a Type III decision shall be subject to a Type II review process if Director finds the requested change:
  - a. Is needed to address a minor change in the facts or the law, including permits to which the development is subject;
  - b. Involves limited discretion; and
  - c. Does not involve an issue of broad public interest, based on the record of the decision.
6. An application for post-decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.
7. Modifications to a decision other than by a timely appeal or post-decision review shall be by new application.



## Chapter 17.140 Definitions

### Sections:

#### 17.140.010 Definitions

Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this title.

100-year floodplain - The land lying at or below the base flood elevation. The City of Coos Bay elevation datum is 9.00 m.s.l. (also USGS), which is equal to elevation 13.00 m.l.l.w. (also known as tidal datum).

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.

Accessory Apartment - A dwelling unit, which is secondary to and located within an existing single-family dwelling.

Accessory Building - A detached, subordinate building located on the same lot with the main building (except as provided by CMBC 17.40.030), 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.

Accessory Structure, Accessory Use - A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building.

Addition (to an existing building) - Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is considered to be new construction.



Adjacent - Near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as “adjacent”.

Adjoin - The same as “abutting”.

Affordable Housing - Decent, safe, quality housing that costs no more than 30 percent of a household's gross monthly income for rent/mortgage and utility payments.

Agricultural sales - Sale of feed, grain, fertilizers, pesticides, and similar goods from the premises. Typical uses include hay, feed, and grain stores.

Agricultural uses - The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.

Alley - A narrow street through a block providing only secondary access to abutting property at the rear or side property lines.

Amusement Park or Center - A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.

Animal sales and service - Establishments or places of business primarily engaged in animal-related sales and services.

Apartment - A room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking.

Applicant - Any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

Appropriate Area, Minimum - The smallest total area of property allowed in a particular zone.

Architectural feature - Features shall include, but not be limited to, a cornice, eave, belt course, sill, chimney, uncovered/unenclosed porch, platform landing, deck, or stairway.



Area of special flood hazard - The land in the flood plain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).

Arterial Street - See "Street, major arterial" and "Street, minor arterial."

Assessment - An estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

Automotive equipment - Establishments or places of business primarily engaged in motorized vehicle-related sales or services. The following are automotive and equipment use types:

1. Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
2. 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.
3. Parking. Parking of private motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or garages.
4. 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.
5. 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.
6. Sales/Rentals, Heavy Equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft together with incidental maintenance. Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.
7. 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.

8. Storage, Non-operating Vehicles. Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-aways or impound yards.

Automobile Sales and Service Establishments (New or Used) - An establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work.

Automotive Repair Establishment - A retail sales and service establishment that includes; brake repair, engine tune-ups, oil changes, lubrications, front end alignments, major mechanical repairs and adjustments such as engine overhauls, transmission overhauls and the like. It can also include painting, repainting or retouching services.

Awning - Any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

Bakery - An establishment where products such as breads, cakes, pies, pastries, etc. are baked or produced and sold on premises for wholesale and/or retail sale.

Bar and/or cocktail lounge - Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. A Class H Retailer's License is required for serving liquor by the bottle or by the drink.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year" flood.

Basement - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bed and breakfast house - A hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests.



Best management practice (BMP) - When associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to provide containment for underground storage tanks.

Billboard - A surface whereon advertising matter is set in view conspicuously and the advertising thereon does not apply to the premises or any use of the premises whereon it is displayed or posted.

Binding site plan - A drawing to scale which (1) Identifies and shows the locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by the codes and regulations of the City of Coos Bay, and (2) Contains inscriptions or attachments setting forth appropriate limitations and conditions for the use of land; and (3) Contains provisions for assuring that development is in conformity with the site plan.

Boarding house - The concentration of forces which puts a building or neighborhood on its way to becoming a slum. A “blighted” area is one that has deteriorated in its development by physical, economic, or social forces.

Block - A group of lots, tracts, or parcels within well-defined and fixed boundaries.

Boarding house - A dwelling where meals or lodging and meals are provided for compensation to at least one (1) person and no more than sixteen (16) persons by prearrangement for definite periods of at least one (1) week’s duration. A boarding house is to be distinguished from a hotel.

Bollard - A post permanently affixed into the ground or pavement, at least two (2) feet and no more than four (4) feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

Border lots - Residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.

Boundary line adjustment - The adjustment of boundary lines that does not create any additional lot, tract, parcel, site or division, nor creates any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.



Breezeway - A covered walkway connecting the main building or a property with other main buildings or accessory buildings. The structure may not be more than 12 feet high at the ridge. More than 50 percent of the total area of the structure may not be enclosed with any material other than that necessary for roof supports.

Buffer area - A landscaped or natural area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

Buildable Area - The space remaining after demonstrating compliance with the minimum open space and yard setback requirements of this Ordinance.

Buildable Land - Land not constrained by critical areas and public right-of-ways or infrastructure.

Building - A structure constructed for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building coverage - The usable floor area under the horizontal projection of any roof or floor above, excluding eave overhang.

Building height - The vertical distance from a point as determined in this section to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. "Building height" does not include such accessory elements as utilities, rooftop mechanical equipment and enclosures for it, chimneys, church spires, water towers and accessory radio antennas. (1) The base point shall be the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade adjoining the building. (2) The base point shall be 10 feet above the lowest grade adjoining the building when the sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building is more than 10 feet above lowest grade. (3) The height of a steeped or terraced building shall be the height of any segment of the building.

Building line - The point at the outermost face of any vertical support, exterior wall line, or foundation.



Building permit - The document or certificate issued by the City of Coos Bay that sanctions adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

Building Setback Line - A line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.

Building site - A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

Building, Nonconforming - A legally existing building that fails to comply with this Ordinance (for height, number or stories, size, area, yards, location, or use) applicable to the district in which the building is located.

Bus shelter - A building for the purpose of providing shelter from weather while waiting for mass public transportation.

Camper - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and/or vacation use.

Camping Trailer - A structure mounted on wheels and designed for travel, recreational, and/or vacation uses.

Canopy - A roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

Car Wash - A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

Carport - A building designed to cover, but not enclose, automobile parking spaces.

Cemetery - A place for the burial or interment of dead persons or household pets.

Certificate of occupancy (occupancy permit) - The official certification that a premise conforms to the provisions of this Ordinance (and the Building Code) and may legally be used or occupied. Such a certificate is required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.



Certified factory-built home shall mean:

1. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. Residential trailers shall only be allowed in the City of Coos Bay upon submittal of evidence to the building official indicating substantial compliance with the standards required for an insignia of compliance.
2. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
3. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

Certified Factory-Built Home Park - An individual lot or parcel under single ownership with two or more certified factory-built home sites.

Child Care Facility - Establishments authorized by state licensure or certification to provide supervisory or day care services for 13 or more children, excluding uses classified as educational facilities or medical facilities, and where communal kitchen/dining facilities may be provided. Typical uses include day care centers, day care facilities, or drop-in centers.

Civic Use Types - The performance of utility, educational, recreational, cultural, protective, governmental, and other uses which are strongly vested with public or social importance.

Clearing - The act of removing existing vegetation, structures or other items from a site prior to undertaking land improvements.

Clinic - An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.



Club - Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Commercial Recreational Vehicle Park - Land designed, maintained, or used for the purpose of supplying temporary accommodation for recreational vehicles, trailers, or any other mobile living unit.

Commercial Use Types - The distribution and sale or rental of goods, and the provision of services other than those classified as "civic use types."

Commission or Planning Commission - "Commission" or "Planning Commission" shall mean the planning commission of the City.

Common area - The total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.

Communication Services - Establishments primarily engaged in the provision of broadcasting and other information-relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as "minor utilities and services." Typical uses include television studios, telecommunication service centers, or telegraph service offices.

Community Recreation - Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings. (This shall mean the same as "recreation facilities, low-intensity" and "recreation facilities, and high-intensity.")

Compatible Use - A use that is capable of existing in harmony with other uses situated in its immediate vicinity.

Comprehensive Plan - The goals, objectives and policies, documents and maps adopted by motion by the Council to guide the physical development of the City; to coordinate City programs, services and controls, and to promote the general welfare.

Concession Stand, Agricultural or Produce - An open air structure, not to exceed twenty (20) feet by thirty (30) feet in its dimensions, and at which fresh eggs, fruits, vegetables; and/or other agricultural products may be sold from local farms to the public.



Concomitant Rezones - “Concomitant rezone” is a site or area specific rezone which uses a agreement to impose conditions on, or limitations on uses and or standards. It may also require performance by the applicant(s) which is/are directly related to mitigation of probable on- and off-site impacts to adjacent uses, public services and the environment. The agreement may be in the form of a covenant running with the land.

Concrete slab - A broad, flat, somewhat thick concrete surface extending under a manufactured home or built in-place to the extent of the structure which rests upon it which meets applicable IBC standards.

Conditional Use - A use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone.

Condominium - The private ownership of single units in a multiple-unit structure with common or single ownership of land and facilities.

Construction - The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.

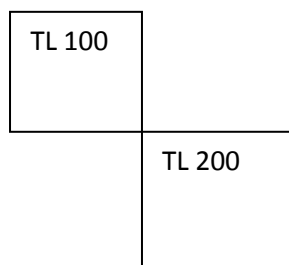
Construction Sales and Service - Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale from the premises of materials used in the construction of buildings or other structures other than solely retail sale of paint, fixtures, and hardware; but excludes those classified as one of the “automotive and heavy equipment” use types. The following are “construction sales and service” use types:

1. Light. Service and/or sales with no outside storage of material, equipment, or display. Typical uses include electrical contractors, cabinet makers, finish contractors.
2. Heavy. Service and/or sales requiring the outside storage of building materials and equipment. Typical uses include building materials stores, tool and equipment rental or sales, excavation, septic, and demolition services.



Contiguous - Adjoining properties under the same ownership with a common boundary of two or more points. Properties shall not be considered contiguous if divided by: a) a public dedicated road or alleyway.

Example: This would not be two contiguous parcels because they only share one adjoining point.



Convenience Sales and Personal Services - Establishments or places of business 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, laundromat/dry cleaners, or barbershops.

Convenience Store - A retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip-building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.

Conversion - The change of use or purpose to which a structure or building is put.

Council - "Council" or "City Council" shall mean the City Council of the City of Coos Bay.

Cul-de-sac - A local street having only one (1) means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.

Cultural resources - Any structure, natural feature, site or area listed in the State of Oregon Inventory of Historic Sites and Buildings or any archaeological site.



Curb Cut - The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level".

Day Care - A person, group or agency which regularly provides care for a group of children for periods of less than 24 hours a day in accordance with Oregon State laws and standards. (1) "Family day care home" means a home, which regularly provides care during part of the 24-hour day for six or fewer children. (2) "Mini day care center" means a day care facility for the care of 12 or fewer children either in a home or a separate facility not associated with a home. (3) "Day care center" means a center providing for the care of 13 or more children in a facility other than a private residence or in a portion of a private residence, which is used exclusively for the children during the hours the center is in operation, and which is usually separate from the living quarters.

De Novo – Latin meaning "anew". A de novo hearing is a completely new hearing. De novo review implies no deference to a previous hearing ruling.

Dedication - The deliberate appropriation of land by the owner for any general and public uses, personally reserving no other rights than those rights compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing.

Density - The number of permitted dwelling units allowed on each acre of land or fraction thereof.

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

Design Storm - A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).



Detention Facility - An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

Developer - Any person, firm, or corporation undertaking the dividing of any parcel of land by short subdivision or subdivision; also known as the “applicant”.

Development - The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.

Development Right - A legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.

Development, Substantial - With regard to projects that have been initiated, substantial development shall constitute at least ten (10) percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.

Dining Establishments - means establishments or places of business primarily engaged in the sale of prepared food for on-premises consumption. Dining establishment uses include:

1. Fast Order Food. An establishment whose primary business is the sale of food which is:
  - a. Primarily intended for immediate consumption;
  - b. Available upon a short waiting time; and
  - c. Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold, including drive-in fast food establishments.



2. Sit-Down. An establishment whose primary business is the sale of food which is prepared, served, and consumed on the premises, and does not use a drive-up window.

District, Zoning - Any portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

Domestic Animal - An animal normally kept incidental to a single-family dwelling. Included are dogs and cats; excluded are wild or exotic animals, horses and cows, chickens, goats, or similar animals.

Dormitory - A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units, which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

Drainage - The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

Drainage Basin - A geographic and hydrologic subunit of a watershed.

Drinking Establishments - Establishments or places of business primarily engaged in the sale of beverages for on-premises consumption.

Drive-in or Drive-Through Facility - An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway - That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dwelling - A building or any portion of it designed exclusively for private residential occupancy, but not including hotels, motels, boarding houses, or other similar accommodations.

Dwelling Unit - One or more rooms which have cooking and toilet facilities and are designed for occupancy by one family only.

Dwelling, Attached - A dwelling having any portion of a wall in common with adjoining dwellings.



Dwelling, Detached - A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, Duplex - A detached building, designed for or occupied exclusively by two (2) families living independently of each other, and shall not include a manufactured home.

Dwelling, Multiple-Family Dwelling - A building or portion thereof designed or used as a residence by two or more families, and containing two or more dwelling units.

Dwelling, Single-Family Dwelling - A building designed or used for residence purposes by not more than one family, and containing one dwelling unit only.

Easement - A right which one person has to use the land of another for a specific purpose.

Elevation - Shall mean either the vertical distance above or below a fixed reference level or, a flat scale drawing of the front, rear, or side of a building or structure.

Elevated Building - For National Flood Insurance Program purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Emergency Shelter - A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

Eminent Domain - The authority of the City of Coos Bay or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

Employees - All persons, including proprietors, working on the premises during the largest shift at peak season.

Energy-Efficient Structure - A structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.

Enlargement - An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

Environment - The physical, social and economic conditions that exist within the area which will be affected by a proposed project.



Environmentally Sensitive Lands - Lands shown on the City zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.

Erected - Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of “erected”.

Erosion - The detachment and-movement of soil or rock fragments by water, wind, and/or gravity.

Façade - The front of a building, particularly that part of a building facing a street or courtyard.

Family - Two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boarding, or lodging house, or other group of unrelated individuals not exceeding six in number.

Farmer’s Market/Fish Market - The commercial premises for the retail sale of produce and/or seafood.

Fence - Any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land, and is six feet or less.

Fence, Sight-obscuring - A fence or evergreen planting, or combination of fence and planting, arranged in such a way as to obstruct vision.

Fill - Earth or any other approved substance or material.

Final Plat - The final drawing of the subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in state law.

Financial Institutions Establishments - shall include but not be limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.

Flag Lot - A lot the developable portion of which is separated from the public right-of-way to which the lot has direct access by a narrow strip of land often used as a driveway. Creation of a flag lot is subject to additional standards in this code.



Flea Market - An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain - Land area subject to flooding.

Floodway - The channel of a river and the portion of the floodplain that carries most of the flood. Regulations require that the floodway be kept open so that flood flows are not obstructed or diverted onto other properties.

Floor - The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

Floor Area - The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in an multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) percent of the total basement area.

Food and Beverage Retail Sales - Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries or delicatessens.

Food Packing and Processing - Businesses engaged in the packing or processing of agricultural crops, animals, seafood, and their byproducts which entails cutting, sorting, boxing, crating, canning, rendering, tanning, and so forth.

Foster Home - A home licensed and regulated by the State and classified by the State as a foster home, providing care and guidance for not more than five (5) unrelated juveniles, adults or both.



Freestanding Sign - A sign erected on a freestanding frame, mast, or pole supported on the ground and not attached to any building.

Frontage - That portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the City.

Frontage, Corner Lot - All the property on two (2) sides of a street between two (2) intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two (2) sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access.

Fuel Sales - Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services, but does not include body work or repair. Typical uses include automobile service stations, filling stations, or truck stops.

Fuel Storage Facility - An area that is used or planned to be used for the storage of petroleum. The facilities may be above-ground or underground storage tanks.

Funeral and Interment Services - Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. The following are interment services use types:

1. Cemetery. Places primarily for the burial of human remains; may include crematory and interring services. Typical uses include mausoleums, columbarium's, and crematoriums.
2. Cremating/Interring. Crematory services involving the purification and reduction of the human body by fire and/or the keeping of human bodies other than in cemeteries. Typical uses include crematories, crematoriums, columbaria, and mausoleums.
3. Undertaking. Undertaking services such as preparing the dead for burial and arranging and managing funerals

Gallery - A business establishment devoted to the exhibition, display and/or sale of collections of such items as art, crafts and memorabilia.



Garage - A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Garage, Detached - An accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

Geologically Hazardous Areas - Areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, may not be suited to the siting of commercial, residential or industrial development consistent with public health or safety.

Grade - The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Greenhouse - An enclosed building, permanent or portable that is used for the growth of plants.

Ground Floor Area - The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

Groundwater - The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

Groundwater Management - The management and coordination of groundwater regulations, strategies, policies, and technical information for the protection and use of groundwater resources

Group Care Facility - A facility licensed by the State to provide, on a twenty-four (24) hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.



Group Residential - The residential occupancy of living units by groups of more than five persons who are not related by blood, marriage, or adoption, and where communal kitchen/dining facilities are provided. Typical uses include occupancy of fraternity and sorority houses, retirement homes, boarding houses, cooperatives, but excludes group residential care facilities.

Guesthouse - A detached accessory building without cooking facilities designed for and used to house nonpaying transient visitors or guests or the occupants of the main dwelling on the lot.

Gutter - A constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

Habitable Floor - Any floor usable for living purposes including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a "habitable floor".

Hazardous Waste Treatment and Storage Facility, off-site - Treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

Hazardous Waste Treatment and Storage Facility, on-site - Treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.

Hazardous Waste Treatment - The physical, chemical, or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Health Care Facility - An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

Health Club - Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Hearings Examiner - The person(s) appointed hearings examiner by the City Council of Coos Bay to hear and decide land use cases not heard or resolved by the Coos Bay Planning Commission, as directed by the Coos Bay City Council and this title.



Historic Property - A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Coos Bay, the region or the nation.

Home Occupation - An occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes, is carried on by a member of the family residing within the residence, and requires no structural alterations or changes in the dwelling unit.

Homeowners Association - A nonprofit organization operating under recorded land agreements through which the following take place: (1) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase; (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (3) Construction and maintenance responsibilities for any undivided property are identified and assigned.

Horticulture - Businesses primarily devoted to cultivation and/or storage of horticultural and floricultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include plant nurseries and garden centers.

Hospital - An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

Hotel - A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.

House of Worship/Church - A building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship.

Illuminated Sign - Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

Immediate Vicinity - With regard to the built-or man-made environment, this refers to all development that is within five hundred (500) linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

Impervious Surfaces - Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.



Improvement - Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

Improvement plans - The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.

Incompatible Use - A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

Indirect Illumination - A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

Indoor Amusement - Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three (3) or more coin or token operated devices, such as pinball and video games.

Indoor Storage - The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use.

Industrial park - A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. An industrial park is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to onsite circulation, parking, utility needs, building design and orientation, and open space.

Industry, heavy - A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light - A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Infiltration - The downward movement of water from the surface to the subsoil.

Irregular Lot - A lot which is shaped so that application of setback requirements is difficult; examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.



Kennel - “Kennel” shall mean either: (1) Any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs for hire, boarding or training dogs; or (2) Any premises at which four or more dogs which are five months old or older are kept for any purpose, including animal shelters, but excluding veterinary clinics and animal hospitals where dogs are kept only for treatment by licensed veterinarians.

Land Clearing - The exposure of earth by the removal of vegetative cover of any kind.

Land-Disturbing Activity - Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation.

Land Division - A partition or subdivision.

Landscape Plan - A detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

Landscaping - Shall mean not only trees, grass, bushes, shrubs, flowers, and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.

Laundromat - An establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes.

Library Service and Cultural Exhibit - The preservation and/or exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collections of books, manuscripts, and so forth for study and reading, but excludes private galleries whose primary purpose is the display and sale of art objects.

Limited Manufacturing - Establishments engaged in the on-site production of goods by hand manufacturing (only the use of hand tools or light mechanical equipment) primarily for direct sale to consumers of those goods produced on site or other similar goods with no outside open storage permitted. Typical uses include ceramic studios, candle-making shops, wood working, custom jewelry manufacturers, small furniture shops, or instruction studios for similar arts and crafts.

Livestock - Farm animals, such as horses, cattle; pigs, goats, or poultry, kept for their services or raised for food-and other products.



Loading Space - An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodge, Club, Fraternal or Civic Assembly - Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose for members, but not primarily for profit nor for rendering a service which is customarily carried on as a business. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. The following are assembly types:

1. Small. Fewer than 16 persons on a regular basis.
2. Large. Sixteen or more persons on a regular basis.

Lodging house - A building other than a hotel where lodging is provided for five (5) or more persons for compensation pursuant to previous arrangements, but not open to the public or transients, and meals and drinks are not served.

Lot - A single unit of land legally created by a subdivision of land. A parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. "Lot" shall also mean the individual leaseholds within an approved manufactured home park.

Lot Area - The computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.

Lot, Building - Land occupied or to be occupied by a building and its accessory buildings.

Lot, Corner - A lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than 130 degrees within the lot lines.

Lot Coverage - That percentage of the total lot area covered by structures, including decks and all other projections, except eaves (up to three (3) ft.), and all other impervious surfaces.

Lot Depth - The horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.



Lot Dimensions, Minimum Standards - The smallest width or depth permitted on a lot within a zone.

Lot, Interior - A lot or parcel of land other than a corner lot.

Lot Line - The property line bounding a lot.

Lot Line, Front - The property line abutting a street or approved private road or easements. For corner lots, the front lot line is the property line abutting a street with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. The front lot line of a flag lot is the lot line closest to and most parallel with the street, excluding the unbuildable portion of the pole.

Lot Line, Rear - A lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side - Any lot line, which is not a front or rear lot line.

Lot Line, Street Side - Any side lot line that abuts a public street right-of-way or public or private access easement.

Lot of Record - A lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained herein.

Lot, Through - An interior lot having a frontage on two streets and/or highways.

Lot Width - The horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines.

Lounge - A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises.

Maintain - To cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.



Major Remodeling - Any remodeling that represents more than 50 percent of the replacement value of a building as defined by the International Building Code.

Manufactured Home - A designated manufactured home as defined by ORS 446.003.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle.

Manufacturing - Establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment. Products of these establishments are primarily for wholesale markets or transfer to other industrial users but may include direct sale to consumers.

Marina - A facility that provides moorage, launching, storage, supplies, and a variety of services for recreational, commercial, fishing, and other fishing vessels. Moorage facilities with five or fewer berths are excluded from this category.

Market Place Retail Sales - Commercial premises of at least 5,000 square feet which are planned and developed as a market and which may have multiple occupancy by business firms having common access or open air access from a public right-of-way. Example businesses located in the market place include farmer’s market and fish market.

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, but excludes those classified as any civic use or group residential (group care) use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers.

Mining and Processing - Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas and/or the on-site processing and production of mineral products. Typical uses are borrow pits, oil and gas drilling, concrete batch plants, sand, gravel and aggregate processing plants, or coal processing plants.



Mini-Storage or Mini-Warehouse - A building or group of buildings consisting of individual storage units that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any wholesale or retail operations

Mixed Use Zoning - Zoning that permits a combination of typically separated uses within a single development. A planned unit development is an example of mixed use zoning. Mixed use in an urban context refers to usually a single building with more than one (1) type of activity taking place within its confines. An example of a mixed use development might have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting.

Modular Home/Prefabricated Home - A residential structure consisting of many components, which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.

Motel - A building or group of buildings on the same lot containing guest units with separate entrances directly to the exterior, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities for rental to transients.

Motor Home - A portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.

Mural - Any pictorial or graphic decoration, other than a sign, which is applied directly to a structure and is neither used for, nor intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods, or services by the use of a brand name, trademark, copyright, or any other device restricted in use without permission of the owner.

National Register of Historic Places - A list of properties that have been formally judged to have historic significance and which have been accepted by the Keeper of the National Register.

Neighborhood - An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities.

New Construction - Structures for which the "start of construction" commenced on or after the effective date of this title.



Night Club - An establishment that has a capacity for at least thirty (30) persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

Nonconforming - One or more elements of a development, such as setbacks, screening, height or parking area requirements that was created in conformance with the development regulations then in effect but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto.

Nonconforming Lot - A lot that does not comply with currently applicable City regulations.

Nonconforming Use - A use of land which lawfully existed at the time the ordinance codified in this title, or any amendment thereto, becomes effective, but which does not conform to the current regulations imposed by this title or such amendment thereto.

Nursery School - A separately organized and administered school for groups of children during the year or years preceding kindergarten, which provides educational experiences under the direction of professionally qualified teachers.

Occupancy - The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this Ordinance that do not have authorization by virtue of a valid permit issued.

Office - A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Off-Street Parking - The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this title.

Open Space - An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, golf courses, playgrounds, fountains, swimming pools, wooded areas, water courses, driveways, and other surfaces designed or intended for vehicular travel, but shall not include any required off -street parking areas.



Ordinance - A law set forth by governmental authority; a Development regulation adopted by the legislative branch of the locality.

Overlay Zone - A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond that required by the underlying zones.

Owner - The owner of record of real property as shown on the tax rolls of the county, or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, "owner" shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term "owner" also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

Parcel - A single unit of land that is created by a partition of land. ORS 92.010.

Park, Public - An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

Parking Lot and/or Garage - Off-street facility used for the storage or parking of four (4) or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.

Parking Space - A rectangle not less than 20 feet long and nine feet wide, together with access and maneuvering space, sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking Space - Compact - A rectangle not less than seven feet five inches wide and 15 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking Structure - A stand-alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.



Partition, Land - To divide land into two or three parcels of land within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

Permit - A license, certificate, approval, or other entitlement for use granted by a public agency.

Personal Service - Personal services includes, but is not limited to, beauty parlors, shops or salons, barbershops, reducing or slenderizing studios, electrolysis services, manicurists, and similar uses as determined by the review authority.

Planned Unit Development (PUD) - 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 residential units to create useful open space and to preserve site features.

Plant Nursery - An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Plat - A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.

Plat, Final - That map, plan, or layout of a subdivision of land which is filed after completing the improvements, accompanied by certifications that the improvements have been satisfactorily completed and are recorded with the auditor, and showing all elements required by the Subdivision Ordinance and this title.

Plot - A parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected.



Preliminary Plat - A neat and approximate drawing of either a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout the preliminary plat.

Pre-School Facility - An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four (4) or more children between the ages of two (2) and five (5) years, and which operates on a regular basis.

Private Clubs - Organizations that are, privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

Private Parking - Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports meeting the dimensional requirements of off-street parking requirements of this title.

Private Road - That easement or parcel created to provide the access from a City road to short platted lots, the maintenance of this is to be the responsibility of the lot owners.

Prohibited Use - Any use that is specifically enumerated or interpreted as not allowable in any specific district.

Professional Office - The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

Professional Service - The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

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.



Public Assembly, Place of - Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

Public Building - Buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, museums, and the like.

Public Improvement - Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Public Safety Service - Life safety services together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Public Use - The use of any land, water, or building by a public agency for the general public, or by the public itself.

Public Utility - Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water.

Recreational Area - Lands perpetually set aside and maintained for use by all residents of a development. These areas shall be improved and shall be of a specified size.

Recreational Space - An area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

Recreational Vehicle - A vehicular type unit designed as temporary living quarters for travel, recreational, and/or camping use which either has its own mode of power or is mounted on or drawn by another vehicle. It will have a body width of no more than eight feet and a body length of not more than 35 feet when factory equipped for the road. This term shall include but not be limited to travel trailer, camper, motor home, and camping trailer.



Refuse Service - Any place used for disposal of used material. Typical uses include sanitary landfills, dumps, or refuse disposal sites.

Religious Assembly – A religious organization involving public assembly typically occurring but not limited to synagogues, temples, or churches. The following are religious assembly use types:

1. Small. Fewer than 16 persons on a regular basis.
2. Large. Sixteen or more persons on a regular basis.

Repair Service, Consumer - Establishments primarily engaged in repair services to individuals and households rather than firms, but excluding “automotive and equipment” use types. Typical uses include appliance repair shops, apparel repair firms, or musical instrument repair firms.

Residential Treatment Facility - A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.

Residential Use - Use of land or structure thereon, or portion thereof, as a dwelling place for one (1) or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or timesharing condominium uses.

Retail Food Establishment - Any, fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria is a restaurant for purposes of this title.

Retail Sales, General - The sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified as “agricultural sales,” “animal sales and service,” “automotive and equipment,” “business equipment sales and service,” “construction sales and service,” “food and beverage retail sales,” and “fuel sales.” Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

Retail Trade - Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.



Retirement Home - A place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

Review Official - The officer designated by the City of Coos Bay to enforce and administer this Ordinance, or his or her duly authorized representative.

Right-of-way - A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

Road, Private - An easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.

Roofline - The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rooming House - A building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons not included in the family unit of the owner or tenant of the premises.

Row Houses - A series of single-family dwelling units that are erected in a row on adjoining lots each being separated from an adjoining unit by two separate but abutting walls along the dividing lot line.

Scrap Operation - Places of business primarily engaged in the storage, sale, dismantling, or other processing of used, source-separated, or waste materials, which are not intended for reuse in their original form. Scrap operation uses include:

1. Light. Businesses only engaged in the recycling of household items, such as glass, tin, cardboard, paper, or beverage cans.
2. Heavy. Except as may be permitted as scrap operation – light, these businesses can include automotive wrecking yards, junkyards, paper salvage yards, or solid waste collection or recycling service including fleet storage, fleet repair, collection, transportation, disposal or resource recovery of solid wastes.



Screening - A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after twelve (12) month. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

Service Station - A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, other operating commodities for motor vehicles or boats, and food and beverages as an accessory to automobile related uses. The cross section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.

Setback - The minimum allowable horizontal distance from a property line to the nearest vertical wall or other element of a building or structure as defined herein. Setback is not measured from the curb unless the curb also is the property line.

Shared Access Facility - A frontage or service road generally parallel to an arterial or connecting parcels to an arterial; alternately, a common access way serving businesses with one or more ownerships.

Shopping Center - A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves

Sidewalk - That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the review a

uthority.

Sign - Anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.

Site - The lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest.



Site Plan - A plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.

Small Animal Husbandry (Commercial) - The raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkey, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises.

Soil - The surface layer of the earth, supporting plant life.

Soil Removal - Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

Solar Access -The availability of direct sunlight to solar energy systems.

Solar Access Easement - A right expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring solar access to solar energy systems.

Solar Energy System - Any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (1) the heating or cooling of a structure or building; (2) the heating or pumping of water; (3) industrial, commercial, or agricultural processes; or (4) the generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.

Storage, Open - The safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within seventy-two (72) hours or for continuous replacement by same or similar goods or products.

Stormwater - That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the



finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

Street - All roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use including private roads but not including private driveways.

Street, Collector - A street penetrating neighborhoods, collecting traffic from local streets in the neighborhood and channeling it into the arterial system.

Street, Dead-End - A local street with only one outlet, without possibility of extension, and a maximum length of 400 feet. A vehicle turnaround may be required.

Street, Improved - A street with a paved roadway that has a structural cross-section that meets the minimum street improvement standards of the City of Coos Bay.

Street Line - The dividing line between any street, road or other thoroughfare and the adjacent lots.

Street, Local - A street which is primarily to provide direct access to abutting property and for local traffic movement.

Street, Private - A thoroughfare that is privately built and maintained which affords a primary means of vehicular access.

Street, Public - A street affording the principal means of access to abutting property, and dedicated to or maintained by the City of Coos Bay, Coos County, or the State of Oregon affording the principal-means of access to abutting property and with a right of-way or easement.

Structural Alteration - Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

Structure - That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground, or which is attached to something having a location on the ground.

Subdivision - Either an act of subdividing land into four or more lots or a tract of land subdivided.



Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the assessed value of the structure. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Surface Water - Waters that flow over the land surface and frequently interact with groundwater.

Swale - A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one (1) foot.

Tavern - A building where beer and/or wine is served to the public, which holds a class "A" or "B" license from the Oregon State Liquor Control Board.

Telecommunications Facilities - A land use that sends and/or receives radio frequency signals, including antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated.

Temporary Building or Structure - A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

Toe of Slope - A point or line on the upper surface of a slope where it changes to horizontal or meets the original surface. The outermost inclined surface at the base of a hill; part of a foot slope.

Topography - The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

Townhouse or Row house - A dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of any adjacent unit, and which is



attached to one (1) or more other dwelling units by common walls which may be located on side lot lines.

Tract - One or more contiguous lots or parcels under the same ownership.

Transportation Service - Transportation offered to the public involving group assembly rather than door-to-door service; may also include the fleet storage of vehicles or cars. Typical uses include bus terminals, railroad depots, or airports. (This shall mean the same as "land transportation facilities.")

Travel Trailer - A vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems, contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers.

Trailer - A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, halftracks, snowmobile, and the like, not included in other definitions.

Treatment Best Management Practice - A BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are: detention ponds, oil/water separators, bio-filtration swales and constructed wetlands.

Units Per Acre - The number of dwelling units allowed on one acre. For example, a maximum of 4 units/acre would mean that no more than 4 dwelling units on one acre are allowed in a particular zone.

Unstable Slopes - Those sloping areas of land, which have in the-past exhibited, are currently exhibiting, or will likely in the future exhibit, movement of earth.

Use - The purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

Use, Principal - The main use of land or buildings as distinguished from a subordinate or accessory use.



Use, Temporary - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Temporary uses do not involve the construction or alteration of any permanent structure.

Utilities Easements - Right-of-way that maybe used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

Utility and Service - Public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, sewer pump stations, water reservoirs, and radio, microwave, and telephone transmitters.

Utility Substation - A subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following:(1) Water, gas, telecommunication and electrical distribution or metering sites; (2) Water or sewage pumping stations; (3) Water towers and reservoirs; (4) Public wells and any accessory treatment facilities; (5) Transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (6) Telecommunication facilities.

Variance - A modification of the terms of this ordinance to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

Veterinary Hospital or Clinic - A building used to provide health care services to animals.

Video Sales and Rental - Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment .

Vision Clearance Area - A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.



Visual Obstruction - Any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.

Warehouse - A building used primarily for the storage of goods and materials.

Water-Dependent - A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. Under the National Flood Insurance Program, "water-dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Non-water dependent uses are permissible in conjunction with Oregon Statewide Planning Goal 17.

Waterfront - The mean high water line.

Wetlands - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale (Trade) - The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard - An open space on a lot which is unobstructed from the ground upward except as specified elsewhere in this title.

Yard, Front - A yard between side lot lines from the front lot line to the nearest point of the building.

Yard, Rear - A yard between side lot lines from the rear lot line to the nearest point of the building.



Yard, Side - A yard between the front and rear yard from a side lot line or street side lot line to the nearest point of a building.

Zero Lot Line Development - A single-family housing unit which has no yard requirements on one or more of the lot lines, in conformance with the International Building Code.

Zero Lot Line Home - A residential development approach in which a building is sited on one (1) or more lot lines with no yard area along these lot lines. Conceivably, three (3) of the four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero lot line development. It shall be required that a minimum of eight (8) units of zero lot line housing constitute such a development

Zone - Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.

Zoning - The legislative division of a community into segments reserved for specific uses and also the minimum required size for such use.

Zone District - Zone district shall mean the same as "district" or "zone".

Zoning Officer - The officer who is charged with the administration and enforcement of this title, or an authorized deputy.



## **Chapter 17.150 Code Enforcement Officer & Civil Infraction Citation Authority**

### **Sections:**

- 17.150.010 General Penalty – Continuing Violations
- 17.150.020 Liability of Officers
- 17.150.030 Enforcement
- 17.150.040 Violations
- 17.150.050 Method of Enforcement

### **17.150.010 General Penalty – Continuing Violations**

- A. Whenever a City ordinance prohibits an act or declares it to be unlawful, or provides that the failure to do an act is unlawful, and no specific penalty is provided, the violation of the provision is punishable by a fine not exceeding \$500.00, except as provided in this chapter.
- B. Whenever a state statute and a City ordinance provide penalties for the same offense, the penalty imposed for the City violation shall not exceed the state penalty.
- C. Every day a violation of a provision of any ordinance continues shall constitute a separate offense. [Ord. 106 § 1, 1987].

### **17.150.020 Liability of Officers**

No provision of a City ordinance designating the duties of an officer or employee shall be construed to make the officer or employee liable for a fine or penalty provided for a failure to perform the duty, unless the intent of the council to impose the fine or penalty on the officer or employee is specifically and clearly expressed in the section creating the duty. [Ord. 106 § 2, 1987].

### **17.150.030 Enforcement**

The severity of enforcement of this chapter shall generally correspond to the degree of risk of harm to the public health, safety and welfare. In the absence of an immediate hazard that is threatening to health or public safety, the following abatement procedures will apply:



- A. On determination that a nuisance exists, the City shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
- B. At the time of posting, the City Recorder shall cause a copy of the notice to be forwarded by registered or certified mail to the person responsible at the person's last known address.
- C. The notice to abate shall contain:
  - 1. A description of the real property, by street address or otherwise, on which the nuisance exists and direction to abate the nuisance within 10 days from the date of the notice.
  - 2. A description of the nuisance.
  - 3. A statement that, unless the nuisance is removed, the City may abate the nuisance and the cost of abatement will be charged to the person responsible.
  - 4. A statement that failure to abate a nuisance may warrant imposition of a fine.
  - 5. A statement that the person responsible may protest the order to abate by giving notice to the City recorder within 10 days from the date of the notice.
  - 6. If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
  - 7. Upon completion of the posting and mailing, the person posting and mailing shall execute and file certificates stating the date and place of the mailing and posting.
  - 8. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.
  - 9. If notice is returned as undeliverable or the delivery was refused, then notice can be provided via publication in a newspaper of general circulation at least 10 days before abatement action is taken. [Ord. 400 § 13, 2007].



#### **17.150.040 Violations**

The location, erection, construction, maintenance, repair, alteration, occupancy, or use of any building, structure, sign, or land, including subdividing or partitioning, contrary to the provisions of this title or to any permit issued hereunder is an unlawful public nuisance. [Ord. 93 § 5.5.1, 1987].

#### **17.150.050 Method of enforcement.**

- A. The City, in addition to other remedies, including those provided in Chapter 8.10 CBMC, Public Nuisances and 1.15 General Penalty may institute appropriate actions or proceedings to prevent, restrain, correct, abate, or remove the unlawful location, erection, construction, maintenance, repair, alteration, occupancy or use.
- B. The owner of the land, building, or premises where a violation has been committed or the lessee or tenant of a building where such a violation has been committed or exists, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, or who assists in any such violation or who maintains any land, building, or premises in which such violations exist, shall be guilty of a violation of this title and shall be subject upon conviction to a fine of not more than \$500.00. Each day under which the violation continues shall be considered a separate offense.



## SECTION 2: ZONING

### Chapters:

- 17.210 Establishment of Zoning Districts and Maps**
- 17.215 Plan Amendments and Zone Changes**
- 17.220 Low-Density Residential Districts (LDR-6, LDR-8.5)**
- 17.225 Medium-Density Residential District (MDR-16)**
- 17.230 Commercial and Mixed-Use Districts (C and MX)**
- 17.235 Industrial/Commercial District (I-C)**
- 17.240 Waterfront Heritage (WH)**
- 17.245 Waterfront Industrial (W-I)**
- 17.250 Hollering Place (HP)**
- 17.255 Urban Public District (UP)**
- 17.260 Medical Park District**
- 17.265 Empire Design Review**
- 17.270 Watershed (W)**



## Chapter 17.210 Establishment of Zoning Districts and Maps

### Sections:

- 17.210.010 Classification of Districts
- 17.210.020 Zoning Map
- 17.210.030 District Boundaries

### 17.210.010 Classification of Districts

For the purposes of this title, the City is divided into zoning districts designated as follows:

**Table 17.210.010 Classification of Districts**

Comprehensive Plan Designation	Corresponding Zoning District	Code Section
Residential	Low-Density Residential (LDR – 6)	CBDC 17.220
	Low Density Residential (LDR – 8.5),	CBDC 17.225
	Medium Density Residential (MDR - 16)	
Commercial	Commercial and Mixed-Use Districts (C and MX)	CBDC 17.230
Industrial	Industrial/Commercial (I-C)	CBDC 17.235
	Waterfront Heritage (WH)	CBDC 17.240
	Waterfront Industrial (W-I)	CBDC 17.245
	Hollering Place (HP)	CBDC 17.250
Urban Public	Urban Public (UP)	CBDC 17.255
Medical Park District	Medical Park District	CBDC 17.260
Commercial	Empire Design Review	CBDC 17.265
Urban Public	Watershed (W)	CBDC 17.270



#### **17.210.020 Zoning Map**

- A. The location and boundaries of the zoning districts are shown on the map entitled, "Zoning Map of the City of Coos Bay," dated with the effective date of the ordinance codified in this title and signed by the Mayor, and hereafter referred to as the "zoning map."
- B. The signed copy of the City's zoning map shall be maintained on file with the City, and is made a part of this title.
- C. Revised Maps. The City Council may, from time to time, direct the Community Development Director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Zoning maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the City Council. Any maps, or portions thereof, thereby replaced shall be retained in a separate file by the Community Development Director. Any revisions or replacements of said maps, when duly entered, signed, and filed with the City as authorized by this chapter, are part of this title.

#### **17.210.030 District Boundaries**

The district property lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply.

- A. Unless otherwise specified, district boundaries are lot lines or such lines extended.
- B. Any land or property not specifically identified with a zoning designation shall be considered to be zoned as is the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.
- C. The Director shall have the authority to interpret zoning classification consistent with CBDC 17.210.030 (A) through (B) and shall file any and all written interpretations with the City Clerk's office.



## **Chapter 17.215 Plan Amendments and Zone Changes**

### **Sections:**

- 17.215.010 Comprehensive Plan Amendment
- 17.215.015 Zoning Text and Map Amendment
- 17.215.020 Initiation of Amendment
- 17.215.030 Pre-Application Review
- 17.215.040 Application Contents
- 17.215.050 Approval Criteria
- 17.215.060 Expiration and Extension
- 17.215.070 Concomitant Rezone

### **17.215.010 Comprehensive Plan Amendment**

- A. The boundaries of the Comprehensive Plan map designations and the Comprehensive Plan text may be amended as provided in CBDC 17.215.020 of this title.
- B. The City may amend its Comprehensive Plan and/or plan map. The approval body shall consider the cumulative effects of the proposed Comprehensive Plan and/or map amendments on other zoning districts and uses within the general area. Cumulative effects include sufficiency of capital facilities services, transportation, zone and location compatibility, and other issues related to public health and safety and welfare the decision making body determines to be relevant to the proposed amendment.

### **17.215.015 Zoning Text and Map Amendment**

The boundaries of the zoning districts established on maps by this title, the classification of uses therein, or other provisions of the title may be amended as provided in CBDC 17.215.020.

### **17.215.020 Initiation of Amendment**

Amendments of the Comprehensive Plan text or map, zoning map, or this title may be initiated by the following:

- A. A Type III application, CBDC 17.130.100, Procedures, by one or more owners of the property proposed to be changed or reclassified consistent with the adopted Comprehensive Plan; or



- B. A Type IV legislative process, CBDC 17.130.110, Procedures, by motion of the Planning Commission and adoption by the City Council.

#### **17.215.030 Pre-Application Review**

- A. An application for a Type III or Type IV review is subject to pre-application review under CBDC 17.130.020, Procedures.
- B. An applicant for pre-application review for a plan map amendment or zone change shall submit the requisite fee and three (3) paper copies and one electronic copy of the following information except as otherwise provided by the City:
  - 1. A completed form provided by the City for that purpose;
  - 2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  - 3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the plan map amendment and/or zone change, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures 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 one copy 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; and
  - 4. A written summary of the proposed plan map amendment and/or zone change and facts and evidence based on which the application(s) can be approved.

#### **17.215.040 Application Contents**

- A. An amendment application shall include the requisite fee and three (3) paper copies and one electronic copy of the applicable information required by CBDC 17.130.050(B), Procedures.
- B. A technically complete application shall contain:
  - 1. A map of the proposed amendment, if applicable;



2. The complete proposed text amendment, if applicable;
3. A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable;
4. An analysis of the potential cumulative effects of the proposal;
5. Materials required under CBDC 17.130.050(B); and
6. Other materials the Director deems necessary.

#### **17.215.060 Approval Criteria**

- A. For a Type III or Type IV review, the City Council shall approve the proposal upon findings that:
  1. The proposed amendment is consistent with the applicable policies of the Comprehensive Plan or that a significant change in circumstances requires an amendment to the plan or map,
  2. The proposed amendment is in the public interest; and
  3. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Bay Capital Improvement Plan(s).

#### **17.215.070 Expiration and Extension**

A decision approving or conditionally approving a Type III request enacted by ordinance, other than a concomitant rezone, does not expire.

#### **17.215.080 Concomitant Rezone**

- A. Rezone Agreements.
  1. The purpose of this subsection is to allow for the implementation of the Comprehensive Plan policies relating to future commercial centers and industrial developments, as appropriate and consistent with the Coos Bay Comprehensive Plan and Coos Bay Capital Improvement Plan. If, from the facts presented, and the findings, report and recommendations of the Planning Commission as required by this section thereof, the City Council determines that the public health, safety and general welfare will be best served by a proposed change of zone, the City Council may indicate its general approval, in principle,



of the proposed rezoning by the adoption of a “resolution of intent to rezone” the area involved. This resolution shall include any conditions, stipulations or limitations which the City Council may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the City Council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or lot coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the City Council shall, by ordinance, effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the City Council upon recommendation of the Planning Commission. Generally, the time limitation shall be one (1) year. The City Council may grant one (1) one (1) year extension, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.

## 2. Concomitant Rezone Agreements.

- a. Purpose. The purpose of this subsection is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent CBDC requirements.
- b. Applicability. This agreement process will not generally be used for rezones to residential zoning districts. It may, however, be used in any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas or areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, and non-single-family residential not specifically identified by the Comprehensive Plan map. The intent is that concomitant rezone agreements shall only be used when normal review and



approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.

- c. Mitigating Measures. The agreement may include mitigating measures such as:
  - (i) Access control;
  - (ii) Landscaping, screening, buffering;
  - (iii) Improvements to public services including drainage, sewer, water and roads;
  - (iv) Lot coverage, dimension; and
  - (v) Phasing of development.
- d. Concept Plan. A concept plan may be required. When required, the concept plan shall be drawn to a one (1) inch to one hundred (100) foot scale and include:
  - (i) General location of structures;
  - (ii) Location and number of access points;
  - (iii) Approximate gross floor area of structures;
  - (iv) Name of the proposal;
  - (v) Identification of areas requiring special treatment due to their sensitive nature;
  - (vi) North directional arrow; and
  - (vii) Names and location of all public streets or roads bordering the site.
- e. Application Procedure. The applicant may propose an agreement concomitant to rezone approval at the time of, or after, a pre-application conference with the Director. The proposed agreement shall include any proposed mitigating measures and concept plan as provided for by this chapter. In cases where a specific project is to be considered in conjunction with a rezone request, the responsible review authority shall review the site plan.
- f. Modifications. Modifications which are minor and without major impact may be approved by the Director or his/her duly authorized representative, administratively and



without public hearing. Any other modifications shall only be approved after the same procedure applicable to all rezones has been followed, including a public hearing.

- g. Enforcement. The agreement shall provide for appropriate enforcement mechanisms and performance guarantees.

B. Release of Concomitant Rezone Agreements.

1. Upon petition by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the City Council following a public hearing with notice as prescribed by CBDC 17.130.120, Procedures, Notices and in accordance with the criteria set forth in this section.
2. In considering requests for release or modification of concomitant rezone covenants, the review authority shall consider the following:
  - a. In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and Comprehensive Plan recommendations; and
  - b. In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and
  - c. In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments; and
  - d. In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.



## Chapter 17.220 Low Density Residential Districts (LDR-6, LDR-8.5)

### Sections:

- 17.220.010 Purpose
- 17.220.020 Locational Criteria
- 17.220.030 Permitted Uses
- 17.220.040 Height Regulations
- 17.220.050 Density Requirements
- 17.220.060 Lot Coverage and Dimensions

#### 17.220.010 Purpose

The LDR districts are intended to implement the provisions of the Coos Bay Comprehensive Plan. In addition, these districts are intended to: Recognize and maintain established low density residential areas, while encouraging appropriate infill and redevelopment; Establish higher densities close to employment centers and transit corridors and lower densities in areas without urban services; Create efficient residential areas which provide community services in a more economical manner, and facilitate utility-efficient design; and Provide for additional related uses such as utility uses necessary to serve immediate residential areas.

#### 17.220.020 Locational Criteria

- A. The City shall zone land designated for low density residential use on the Coos Bay Comprehensive Plan map within the Coos Bay corporate limits as follows:
  - 1. LDR-6 (6,000 sq. ft. lots). New parcels in this area must average within 10% of 6,000 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 5,000 square feet or larger than 7,500 square feet.
  - 2. LDR-8.5 (8,500 sq. ft. lots). New parcels in this area must average within 10% of 8,500 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 6,000 square feet or larger than 15,000 square feet.



B. Zoning of residential land upon annexation to the City:

The City shall incorporate newly annexed lands consistent with the Comprehensive Plan Land-Use Map.

**17.220.030 Uses**

The following uses are permitted or excluded in the LDR district subject to the applicable provisions of this title. P = Permitted use; C = Conditional use; X = Prohibited use.

**Table 17.220.030 Uses**

Use	LDR-6	LDR-8.5
<b>Residential Uses</b>		
Single-family detached dwelling units	P	P
Duplexes	P	X
Manufactured homes	P	P
Manufactured home parks and subdivisions and related uses or structures.	P	P
Adult care facilities	C	C
Foster care homes	C	C
<b>Accessory buildings and uses</b>		
Private garages and carports.	P	P
Greenhouses, gardens, and orchards for private, non-commercial propagation and culture of plants, fruits, and vegetables	P	P
Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children's temporary wading pools shall not be located in front yards, and shall be set back at least three feet from all property lines.	P	P
Covered patio, freestanding or attached	P	P
Solar energy systems and structures solely designed to support solar energy systems	P	P

**Table 17.220.030 Uses**

Use	LDR-6	LDR-8.5
<b>Non-Residential Uses</b>		
Art galleries and museums	C	C
Bed and breakfast house	C	X
Child care facility (fewer than 13)	P	P
Churches	C	C
Community recreation	C	C
Community clubs	C	X
Home occupations	P	P
Kennels	X	X
Public utilities such as electrical substations	C	C
Public schools	C	C
Public buildings and uses not otherwise listed as permitted in CBDC	C	C
Telecommunication facilities	C	C
All manufacturing and commercial uses or services, except permitted home occupations and day/adult care facilities.	X	X

**17.220.040 Height Regulations**

A maximum building height in all LDR districts shall be thirty-five (35) feet measured from the lowest finished grade level to the highest point on the roof.

**17.220.050 Density Requirements**

- A. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for minimum and maximum density in CBDC Table 17.220.050, LDR Districts.
- B. Lots created for drainage facilities, parks, open space, wetlands and buffers, and utilities shall not be subject to maximum lot size requirements.



- C. Newly created lots in a proposed land division must average within 10% the prescribed average lot size as a total development and any phase within the development.

**Table 17.220.050 Density Requirements**

Zoning District	Average lot size (Sq. ft.)	Minimum Lot Area (sq. ft.)	Maximum Lot Area (sq. ft.)	Minimum Net Density per acre <sup>1</sup>
LDR-6	6,000	5,000	7,500	6
LDR-8.5	8,500	6,000	15,000	4

<sup>1</sup> Densities shall be calculated based on the gross area of the site minus any public rights-of-way.

#### **17.220.060 Lot Coverage and Dimensions**

- A. Maximum building lot coverage shall not exceed thirty-five percent (35%). Maximum impervious surface area shall not exceed fifty percent (50%).
- B. Front yard setbacks shall be measured as the distance between the primary street facade of the dwelling and the property line. Garage and/or carport setbacks shall be setback 20 feet from the property line to allow vehicles to park completely on the property.
- The measurement shall be made at either the front plane of the front porch or of the dwelling if there is no front porch.
- C. Side yard setbacks shall be consistent with CBDC Table 17.220.060, unless otherwise expressly allowed by this title.

**Table 17.220.060 Lot Coverage and Dimensions**

District	Average Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Street Side Yard (feet)	Minimum Rear Yard (feet)
LDR-6	6,000	40	80	15	5	15	10
LDR-8.5	8,500	40	90	15	10	15	15



## **Chapter 17.225 Medium Density Residential District (MDR)**

### **Sections:**

- 17.225.010 Purpose
- 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 Multi-Family Attached Housing
- 17.225.070 Requirements of Factory-Built (Mobile) Home Parks

### **17.225.010 Purpose**

The Medium Density Residential (MDR) district is intended to provide for residential development opportunities with a minimum density of eight (8) units per net acre, and a maximum density of sixteen (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.

### **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.

### **17.225.030 Permitted and Conditional Uses**

Permitted Uses. The City permits uses 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.

- A. Conditional uses allowed in an MDR district are described in CBDC 17.325, Conditional Uses, Single-family permitted, conditional and prohibited uses. Meet minimum density standards.

**Table 17.225.030 Permitted and Conditional Uses**

Use	MDR-16
<b>Residential</b>	
Existing lawful residential use	P
One new single-family residence per lot of record	P
Single-family dwelling combined with a multiple-family dwelling on the same lot	C
Certified factory built homes or home parks	C
Accessory Apartment	C
Multiple-family dwellings, including but not limited to attached single-family dwellings, such as townhouse, duplexes, triplexes; and detached multi-family dwellings such as apartments	P
Group Residential Care Facility	C
Group Residential Treatment Facility	C
Multiple-family dwelling, greater than 35 feet in height and three stories	C
Planned Unit Development	C
Accessory buildings and uses normal and incidental to the building and uses permitted in this chapter	P
<b>Non-Residential Permitted Uses</b>	
Home occupation	P
Tourist habitation (bed and breakfast)	P
Laundry Facility (outward appearance must retain a residential character)	P
Recreational Vehicle, maximum percent of the total number of mobile home spaces, provided all sites complying with CBDC 17.275.030	P
<b>Non-Residential Conditional Uses</b>	
Administrative Service	C
Bus Shelter	C
Child care facility	C

**Table 17.225.030 Permitted and Conditional Uses**

Use	MDR-16
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	C
Utility and Service – No outside storage of equipment	C
Zero lot line development	C

**17.225.040 Density and Dimensional Requirements**

- A. All developments within the MDR zoning district shall comply with the density and dimensional requirements of CBDC Table 17.225.030.

**Table CBDC 17.225.030, MDR Density & Dimensional Requirements**

Standard	Multi-Family	Single-Family	
		Attached	Detached
Net Density	8-16	8-16	8-16
Minimum Lot Width	40 Feet	40 Feet	40 Feet
Minimum Lot Depth	60 Feet	60 Feet	60 Feet
Minimum Area	5,000 SF	5,000 SF	5,000 SF.
Maximum Lot Coverage	85%	60%	60%

**Table CBDC 17.225.030, MDR Density & Dimensional Requirements**

Standard	Multi-Family	Single-Family	
		Attached	Detached
Maximum Height	35 Feet	35 Feet	35 Feet
Setbacks			
Min. Front Setback	10 Feet	10 Feet	10 Feet
Min. Garage Setback From Public Street	20 Feet	20 Feet	20 Feet
Min. Side Setback	0 Feet Attached or 5 Feet Abutting Single Family	0 Attached / 5 Feet Non- Attached	5 Feet
Min. Street Side Setback	10 Feet	10 Feet	10 Feet
Min. Rear Setback	5 Feet	5 Feet	5 Feet

- B. Beveling/Screening. New lots used for medium density residential purposes created adjacent to low density residential (LDR) districts shall employ a “beveling or 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% 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 sq. ft. minimum lot size, and the MDR lots abutting the LDR district may not be less than 5,600 sq. ft.
- C. 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. A MDR project proposal which consists of 5 gross acres or more, including abutting lands under common ownership, may not include more than 75% of one housing type, i.e., multi-family, single-family attached or single-family detached.



#### **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.

- A. Building permits for attached developments may only be approved where fully consistent with the approved land division.
- B. Notations on the plat and/or covenants running with the land, approved by the City Attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.
- C. Prohibit single-family attached housing in housing clusters of greater than six (6) units.
- D. Only one (1) dwelling unit may occupy an individual lot. Each attached dwelling may occupy no more than one (1) lot.
- E. No portion of a unit may occupy space above or below any other unit, except underground shared parking.
- F. Landscaping. Single-family attached development projects may satisfy the minimum landscaping requirement by:
  - 1. Providing two hundred (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
  - 2. Providing two hundred (200) square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit.

#### **17.225.060 Requirements of Multi-Family Attached Housing – Apartments**

A multi-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.

- A. Multi-family attached housing shall not be permitted in clusters of greater than ten dwelling (10) units.
- B. Building permits for attached developments may only be approved where fully consistent with the approved land division.



- C. Notations on the plat and/or covenants running with the land, approved by the City Attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.

#### **17.225.070 Requirements of Factory-Built (Mobile) Home Parks**

All extensions or improvements made to existing residential certified factory-built home parks made after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

- A. Site Plan. Except for a bus shelter, land use review is required prior to the establishment of, or change within, any certified factory-built home park.
- B. Minimum park area: one acre.
- C. Unit density: not more than eight (8) but no less than five (5) dwelling units per acre.
- D. Access and Roads.
  - 1. Dedicate and improve vehicular and pedestrian access to the park from the improved street.
  - 2. Pave roads within a park according to the following minimum standards:
    - a. Twenty (22) feet where no on-street parking is allowed.
    - b. Twenty-eight (28) feet where on-street parking is allowed on one side of the street.
    - c. Thirty-six (36) feet where parking is permitted on both sides of the street.
    - d. All private streets and ways within the park shall be built as approved by the public works department.
    - e. An additional five (5) feet from each edge of the pavement or two (2) feet from the edge of the sidewalk shall be designated as right-of-way from which setbacks are to be measured.
    - f. When on-street parking is provided, it may substitute for the guest and second parking requirements if approved by the Planning Commission.
    - g. The Planning Commission shall name all roads and streets within the park. The owner or operator of the park shall furnish, install, and maintain street signs of a type approved by the Public Works department.



#### E. Services

1. Sewer. Every residential certified factory-built home park shall be connected to a sanitary sewer. Each space shall be provided with a connection to the sewer.
2. Water. Every residential certified factory-built home park shall be connected to a supply of potable water for domestic use. Each space shall be provided with a connection to the water supply.
3. Utilities. All utilities, including telephone, television, and electricity, shall be installed underground throughout the park and shall be provided at each space.
4. Fire Protection. No space shall be occupied that is not located within 500 feet of a fire hydrant, following the street right-of-way. Existing spaces now located or occupied at a distance greater than 500 feet from an approved hydrant may continue until such time as the park is expanded in size or number of spaces.

At the time of such expansion, the owner or operator of the park shall have installed one (1) or more hydrants at locations such that no occupied space remains at a greater distance than 500 feet, following the street right-of-way, from any hydrant. The Coos Bay fire department shall be authorized by the owner to inspect the hydrants in accordance with current standard procedures and to require periodic tests when deemed necessary. No parking shall be permitted within 10 feet of fire hydrants.

5. Lighting. All roads within the park shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

#### F. Open Space and Recreational Area.

1. Minimum Area. Open space shall constitute six percent of the total gross area of the park. Improved recreational areas shall have a minimum area of 8,000 square feet or 100 square feet per dwelling unit, whichever is greater.
2. Plan. The site plan shall contain the following:
  - a. Boundaries of the proposed areas.
  - b. Written explanation of the purposes of the areas and a description of any improvements to be made.



- c. Description of the manner in which the area will be perpetuated, maintained, and administered.
- 3. Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a 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.
- G. Landscaping. All exposed ground surface in all parts of the park shall be protected and maintained with landscaping to include plant material, paving, gravel, and/or other solid material that will prevent soil erosion, mud, and dust within the park. The ground surface in the park shall be graded and furnished with drainage facilities to drain all surface water in a safe, efficient, and sanitary manner.
- H. Fences and Walls. A visual barrier shall be provided and maintained such as a solid fence, a concrete wall, or an approved buffer of trees or shrubs between the mobile home park and abutting properties. The barrier shall have a minimum height of six feet, except the area defined as the entrance of the park where the wall may be three feet for vision clearance.
- I. Signs.
  - 1. Signs within the mobile home park shall be no larger than two square feet.
  - 2. The sign at the entrance identifying the park shall not advertise any limited commercial or laundry facility contained within.
- J. Off-Street Parking and Loading. The provisions of CBDC 17.340, Off-Street Parking and Loading, shall apply.
- K. Special Certified Factory Built (Mobile) Home Siting Requirements.
  - 1. Certified Factory-Built Homes and Parks.
    - a. Only certified factory-built homes shall be allowed in the R-5 district.
    - b. Residential certified factory-built home parks and units shall be required to meet all state requirements for mobile home parks.



2. Yards. Building separation in a mobile home park for each mobile home and its accessory structures shall be in accordance with the following:
    - a. A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park, or closer than five feet from a park property boundary line or street right-of-way.
    - b. To prevent the spread of fire from one mobile home to another (unless otherwise approved by the inspecting authority) the yard shall conform to the requirements of the International Building Code.
  3. Building Height. No dwelling or accessory building shall be erected or installed with a height in excess of 17 feet.
  4. Skirting. Mobile homes shall be skirted to provide an appearance of permanency.
  5. Storage Facilities. Each space shall have a minimum of 50 square feet of totally enclosed storage space.
  6. Accessory Buildings. Accessory buildings and other similar permanent structures may be installed or erected in conjunction with a space and shall require a building permit. These structures shall be deemed to be a part of the certified factory-built.
- L. Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.
- M. Park Improvements.
1. Construction Plans and Specifications. As part of the site plan application, the applicant shall submit to the public works department construction plans, profile and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed and the applicant will be notified in writing of compliance with City requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department. A copy of the water system plans shall be submitted to public works by the applicant.
  2. Contract for Improvements. Within 48 months of site plan and review of the improvement plans and specifications, but prior to the issuance of any development permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve



- the development. At the time the improvement agreement is executed, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works department. Further extensions must be approved by the Planning Commission.
3. **Bond and/or Surety, Cash or Security Deposit Provisions.** The assurances for completion of improvements shall be filed with the City in the nonnegotiable amount established by resolution of the City Council. The bond or deposit shall:
    - a. Name the City as obligee.
    - b. Be in a form approved by the City Attorney.
    - c. Be conditioned upon the final approval and acceptance of the development.
    - d. Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the City.
    - e. Be forfeited to the City if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.
    - f. Cover any costs, attorney's fees, and liquidation damages resulting from delay or failure to meet the deadline.
  4. **Construction.** Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.
  5. **Acceptance of Improvements.** Upon completion of the improvements, the applicant shall submit record drawings to the public works department of the street and sanitary/storm sewer plan profiles.



## Chapter 17.230 Commercial Districts (C and MX)

### Sections:

- 17.230.010 Purpose
- 17.230.020 Uses
- 17.230.030 Development Standards
- 17.230.040 Mixed-Use (MX) District

### 17.230.010 Purpose

- A. 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.
- B. 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:
  - 1. Achieve the goals and objectives of the City's Comprehensive Plan and capital facilities plans;
  - 2. Enhance livability, environmental quality and economic vitality;
  - 3. Maximize efficient use of public facilities and services;
  - 4. Create a safe, attractive and convenient environment for a variety of uses including living, working, recreating and traveling.
- C. Applicability.



1. General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed-use on the City's official zoning map.
2. Interpretation. If the requirements of the mixed use district conflict with other regulations, the more stringent shall apply.

D. Definitions. For the purposes of this section, the following definitions shall apply:

1. "Mixed-use development" shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary, and/or mutually supporting uses (such as housing, offices, retail, public service or entertainment).
2. "Net Acre" means an acre of the developable portion of the site, which is derived from the total (gross) acreage of the site minus the area required to be, or voluntarily, set aside, as critical and environmentally sensitive lands and the corresponding buffers, public rights-of-way, road easements and any similar public facilities.

#### 17.230.020 Uses

The uses set out in CBCD 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 = Prohibited use

**Table 17.230.020 Uses**

Use	C	MX
<b>Residential</b>		
Existing residences without any increase in density	P	P
Home business	P	P
Bed and breakfast establishments	P	P
Medium-density residential	C	P
<b>Retail Sales – Food</b>		
Markets in excess of 15,000 square feet gross floor area	P	C
Markets – under 15,000 square feet of gross floor area	P	P

**Table 17.230.020 Uses**

Use	C	MX
Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)	P	P
Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)	P	P
<b>Retail Sales – General</b>		
General retailer (over 25,000 square feet gross floor area)	P	P
General retailer (under 25,000 square feet gross floor area)	P	P
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	P
Yard and garden supplies, including nurseries	P	X
Adult Entertainment	C	X
<b>Retail Sales – Restaurants, Drinking Places</b>		
Restaurants	P	P
Restaurants, with associated drinking places, alcoholic beverages	P	P
Drive-through, drive-in, or drive-up facilities,	C	C
<b>Retail Sales and Services – Automotive and Related</b>		
Motor vehicle dealers, new and used, including auto, truck trailer, boat, recreational vehicles and equipment	C	X
Quick vehicle servicing	P	P
Service station	P	P
Manufactured home sales	C	X
Car washes	P	C
Vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles	P	X

**Table 17.230.020 Uses**

<b>Use</b>	<b>C</b>	<b>MX</b>
Commercial off-street parking facilities	P	C
Vehicle towing and storage services	P	X
Transportation terminals		
— Freight	C	X
— People	P	P
<b>Retail Sales – Building Material and Farm Equipment</b>		
Lumber and other building materials stores and yards, with only incidental cutting and planting 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 100,000 square feet gross floor area)	P	X
Hardware, home repair and supply stores (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
<b>Retail Sales – Products</b> (Finished product retailers with primary fabrication or assembly on-site and within an entirely enclosed building.)		
Uses of < 10,000 square feet gross floor area	P	P
Uses of 10,000 square feet gross floor area or greater	P	P

**Table 17.230.020 Uses**

Use	C	MX
<b>Services – Personal</b>		
Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	P	P
Barber and beauty shops	P	P
Clothing rental establishments	P	P
Mortuaries	P	P
<b>Services – General</b>		
Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (< 2,500 square feet)	P	P
Office equipment and home appliance rental, service and repair agencies	P	P
Printing, publishing and lithographic shops	P	P
Services to buildings (including dwellings), cleaning and exterminating	P	P
Moving and storage	P	C
Mini-warehouse	P	X
Branch banks	P	P
Event facilities (<10,000 square feet)	P	C
Event facilities (>10,000 square feet)	P	P
RV storage	P	C
<b>Services – Lodging Places</b>		
Hotels/motels	P	P
Recreational vehicle parks and campgrounds	C	X

**Table 17.230.020 Uses**

Use	C	MX
<b>Services – Medical and Health</b>		
Hospitals	X	X
Outpatient clinics	P	P
Medical laboratories	P	P
Sanitaria, convalescent and rest homes	P	P
Orthopedic equipment and supplies, rental, sales and services	P	P
Animal hospitals and veterinary clinics		
— Outside animal activities	C	X
— Inside animal activities only	C	X
Ambulance services	P	P
Residential care homes	C	C
<b>Services – Professional Office</b>		
Professional offices	P	P
Artists/photographic studios	P	P
<b>Services – Amusement</b>		
Amusement centers	C	C
Bowling alleys, billiard and pool parlors, and video arcades	P	C
Skating rinks, ice and/or roller	P	P
Theaters, indoor	P	P
Drive-in theaters, stadium and arena facilities	C	C
Athletic, health and racket clubs	P	P

**Table 17.230.020 Uses**

Use	C	MX
Zoos, Circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the City Council	C	X
<b>Services – Educational</b>		
Nursery schools, preschools	P	C
Day care facilities	P	C
Libraries	P	P
Vocational schools	P	C
Artistic studios and schools including but not limited to dance, music and martial arts (<10,000 square feet)	P	P
Artistic studios and schools including but not limited to dance, music and martial arts (>10,000 square feet)	P	C
Public parks, parkways, recreation facilities, trails and related facilities	P	C
Public/private educational institutions	P	C
<b>Services – Membership Organizations</b>		
Business, professional and religious (not including churches)	P	P
Civic, social, fraternal, charitable, labor and political (<5,000 square feet)	P	P
Civic, social, fraternal, charitable, labor and political (>5,000 square feet)	P	P
Churches	C	C
<b>Distribution Facilities</b> (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building)		
Distribution facilities of less than 25,000 square feet gross floor area	C	X
Distribution facilities of between 50,000 and 25,000 square feet gross floor area	C	X

**Table 17.230.020 Uses**

Use	C	MX
<b>Public Services and Facilities</b>		
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
<b>Accessory Uses and Activities</b>		
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

**Table 17.230.020 Uses**

Use	C	MX
<b>Other Uses</b>		
Temporary uses	P	P
Solid waste handling and disposal sites	X	X

**17.230.030 Development Standards**

- A. 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 CBDC 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.
- B. Landscaping
  1. In commercial and mixed-use zoning districts, not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one to one (1:1) ratio.
  2. All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.
  3. All storage and trash areas must be enclosed and screened from public view.
- C. Development standards
  1. Residential/Commercial
 

All residential or mixed residential/commercial areas shall provide a minimum of 8 residential units per net acre and a maximum of 24 residential units per net acre.
  2. Lot Standards
    - a. All development applications in the MX zone shall comply with the applicable standards for lot area dimensions, building height, and setbacks in CBDC Table 17.230.030.



- b. Single-family structures that are used for accessory commercial uses shall use the single-family attached/ detached development standards.
- c. The maximum “building height” shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerial, and cupolas.

**Table 17.230.030 Lot Standards**

Standard	Commercial	Multi-Family	Single/Multi - Family	
			Attached	Detached
Minimum Lot Width	20 Feet	20 Feet	20 Feet	30 Feet
Minimum Lot Depth	60 Feet	60 Feet	60 Feet	60 Feet
Minimum Area	1,400 SF	1,400 SF	1,400 SF	3,000 SF.
Maximum Area	N/A	N/A	N/A	15,000 SF
Maximum Lot Coverage	85%	85%	75%	60%
Maximum Height	35 Feet	35 Feet	35 Feet	35 Feet
Min. Front Setback	5 Feet	10 Feet	10 Feet	10 Feet
Min. Garage Setback From Public Street	5 Feet	5 Feet	18 Feet	18 Feet
Min. Garage Setback From Alley	5 Feet	5 Feet	5 Feet	5 Feet
Min. Side Setback	0 Feet Attached or 10 Feet Abutting Single Family	0 Feet Attached or 10 Feet Abutting Single Family	0 Attached / 4 Feet Non-Attached	4 Feet
Min. Street Side Setback	0 Feet	0 Feet	10 Feet	10 Feet
Min. Rear Setback	10 Feet	10 Feet	10 Feet	10 Feet



### 3. Site Planning Design Guidelines

#### a. Commercial and Mixed-Use Development:

- (i) Blank walls facing public streets are discouraged. Features providing visual interest such as windows (genuine, false, or display), artwork, varied building materials, relief panels, trim, balconies, ledges or other techniques shall be employed to enhance building facades facing public streets.
- (ii) Roof lines shall be a minimum of 6/12 for pitched roofs. Lower pitched roofs or parapet roof lines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the Director.
- (iii) Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 50 square feet of rain protection. This protection may use a single or combination of techniques such as: awning, eve, alcove, airlock, recessed entry or porte-cochere.
- (iv) Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the Director.
- (v) A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.
- (vi) Hardscaping (i.e., curb-to-façade sidewalks with pedestrian amenities) may be substituted in lieu of landscaping requirements subject to review and approval of the review authority.

#### D. Special Limitations on Uses. All uses in the MX district(s) shall meet all of the following conditions:

- 1. Odor, noise, emissions, vibration, heat and glare (except for exterior lighting) shall be controlled within the confines of the building or structure.



2. No movement of heavy equipment on and off the site shall occur, except for truck deliveries.
3. No outdoor testing of products or processes shall take place on the site.
4. No highly combustible, explosive, or hazardous materials or waste shall be permitted on site.
5. Drive-through facilities require a conditional-use permit as part of the approval process.



## Chapter 17.235 Industrial-Commercial District (I-C)

### Sections:

- 17.235.010 Purpose
- 17.235.020 Permitted Uses
- 17.235.030 Dimensional Requirements
- 17.235.040 Industrial Development Standards

### 17.235.010 Purpose

It is the City's intent that industrial uses be encouraged in accordance with the comprehensive plan and that potential industrial areas be retained as an essential element for a vital economic base for the population of Coos Bay. The intent of this district is to provide suitable areas for a variety of industrial and commercial uses including manufacturing, wholesale trade and distribution activities. The industrial-commercial district is intended to contain uses that will not generate excessive noise, pollution, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Conditional uses are those which may have some nuisance characteristics that may be mitigated and where such uses may be appropriately sited in Coos Bay. Industrial-commercial districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways.

### 17.235.020 Permitted Uses

The following uses in the Industrial-Commercial (I-C) zone are permitted (P), conditional (C) or prohibited (X) as indicated in CBDC Table 17.235.020.

**Table 17.235.020 I-C Uses**

Uses	I-C
Accessory uses and structures which are incidental to one or more permitted principal uses in this zone.	P
Acid manufacture	X
Art galleries, libraries and museums	P
Asphalt plants	X

**Table 17.235.020 I-C Uses**

Uses	I-C
Auditoriums and civic centers	P
Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle service, rental and leasing, new and/or used	P
Bulk gasoline storage and fuel oil distributors	C
Business services operated in conjunction with one or more permitted uses	P
Churches, including cemeteries and customary accessory buildings and	C
Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P
Cold storage plants, frozen food lockers and ice manufacture	P
Colleges and universities	C
Commercial recreation facilities, enclosed only	P
Commercial recreation facilities, unenclosed	P
Conical burners and incinerators, including biomedical waste	X
Contractor's establishments	P
Day care centers	P
Distribution facilities	P
Dry-cleaning plants	P
Explosives manufacture and storage	X
Exterminators and pest control businesses	P
Fertilizer manufacture	X
Finance, insurance and real estate offices	P
Medical clinics	P

**Table 17.235.020 I-C Uses**

Uses	I-C
Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses	C
Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	P
Kennels	P
Landfills	X
Lumber yards, saw mills	C
Machine shops	P
Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	P
Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	P
Offices	P
Paper and pulp mills	X
Parking garages and parking lots	P
Personal service establishments, in conjunction with one or more permitted uses	P
Printing, publishing, bookbinding and blueprinting establishments	P
Public and semipublic buildings and uses	P
Radio and television studios	P
Radio, television and cellular phone towers and antennas	P

**Table 17.235.020 I-C Uses**

Uses	I-C
Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P
Recycling plants, including any processing facilities	P
Research and scientific laboratories	P
Residences for a caretaker or night watchman	P
Residences of all types, when located on upper floors, in the rear of, or otherwise clearly secondary to commercial buildings	X
Restaurants, lounges, taverns and nightclubs, including drive-in and drive-through facilities	P
Lounges and taverns	P
Restaurants	P
Restaurants, drive-through	P
Retail trade gasoline sales, enclosed or unenclosed	P
Rubber manufacture	X
Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P
Services, automotive, including service stations and gasoline sales	P
Services, business, health, miscellaneous and personal	P
Services, lodging	P
Services, lodging, but only when accessory to another principal use	X
Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this title, but not including new single-family residences	P
Storage buildings and storage yards, for non-hazardous raw materials and finished products	P

**Table 17.235.020 I-C Uses**

Uses	I-C
Temporary uses which may be approved by the Director	P
Tire retreading and recapping	P
Transportation, communication and utility facilities, not otherwise specifically permitted	P
Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P
Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than fifty thousand square feet of enclosed gross floor area	P
Welding shops	P
Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	P
Wineries, breweries and distilleries	P

**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 ft.
Side and rear yard building setback	5 ft.
Minimum distance between principal buildings	30 ft.

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

Standard	I-C
Maximum building coverage	No requirements
Maximum height	None

**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:

- A. Shared access points with abutting or adjacent development shall be provided whenever practicable.
- B. New land divisions creating lots of less than one (1) acre are not permitted unless consistent with a site plan approved under the standards of this title.
- C. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.
- D. 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.
- E. Fences & Walls. Sight-obscuring fencing or walls, visible from the public right-of-way, shall be screened with dense sight-obscuring plant materials.
- F. Site Landscaping and Design Plan. 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. In addition to the site plan application requirements, the following requirements shall apply:
  - 1. 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 eleven (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.



2. Building facades facing public streets shall have fifty percent (50%) of the total surface area of the wall transparent.
3. Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three (3) feet. 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 thirty-five (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on adjacent roads.
4. Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.
5. If a development is located within two hundred fifty (250) feet of an existing or proposed transit stop the applicant shall provide a transit stop and shelter directly adjacent or as close as possible to the main building entrance as the transit authority requires.
6. All off-street parking areas shall be planted with a minimum of one (1) deciduous tree for every six (6) parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.
7. Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.
8. A minimum of twenty percent (20%) 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:
  - a. Minimum Size. A minimum of ten (10) feet depth and width with a minimum size of six hundred fifty (650) square feet.
  - b. Paving. A minimum of eighty percent (80%) of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
9. Structures and open spaces should be clustered on-site to maximize the campus and open space qualities within the development.



10. 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 fifty (50) feet for a distance of at least five (5) feet.

G. 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.

1. The circulation system shall be hard surfaced and be at least five (5) feet wide
2. 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).
3. The on-site pedestrian circulation system and parking areas must be lighted to a level which provides adequate lighting so that parking areas can be used safely when natural light is not present.
4. The pedestrian system must connect the site to adjacent streets and transit stops. The pedestrian system must also connect on-site public open space or parks, commercial, office and institutional developments to adjacent like uses and developments for all buildings set back forty-five (45) feet or farther from the street lot line, when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjoining site is not planned for development at the time of the applicant's development.

H. Performance Standards.

1. No land or structure shall be used or occupied within this district unless the activity complies with the following minimum performance standards:
  - a. Maximum permissible noise levels shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.



- b. Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.
    - c. Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.
    - d. Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.
    - e. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.
  - 2. Administration. As a condition for the granting of a building permit and/or site plan approval, at the request of the responsible official, the applicant shall furnish information sufficient to determine the degree of compliance with the standards in this. Such request may include submission of continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.
- I. Light and Glare Standards.
- 1. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
  - 2. Exterior lighting shall be shielded and directed away from lots in adjacent uses.
  - 3. Interior lighting in parking structures shall be shielded to minimize nighttime glare affecting lots in adjacent uses.
  - 4. When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.
- J. Outdoor Storage Standards.
- 1. All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way. Storage areas which adjoin residential districts or in areas where differences



- in elevation defeat the purpose of this requirement shall be screened with a fence which shall be placed on top of a berm in order to effectively screen the use.
2. Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
  3. Outdoor storage is prohibited as follows:
    - a. In floodways;
    - b. On slopes greater than fifteen percent (15%);
    - c. In parking stalls;
    - d. In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five (5) foot-wide walkway does not remain clear and free of obstructions;
    - e. Any materials that attract animals, birds or vermin; and
    - f. In fire lanes.
  4. The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.
- K. Vibration. Site generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any property line of the property on which a use or structure is located. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.
- L. Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunication Act of 1996 or its successor.



## **Chapter 17.240 Waterfront Heritage District (WH)**

### **Sections:**

- 17.240.010 Intent
- 17.240.020 WH Zoning Subdistricts
- 17.240.030 Permitted Uses
- 17.240.040 Conditional Uses
- 17.240.050 Uses Expressly Prohibited
- 17.240.060 Pre-existing Uses
- 17.240.070 Property Development Requirements
- 17.240.080 Architectural Design
- 17.240.090 Table

### **17.240.010 Intent**

The WH district is created to achieve the following objectives:

- A. To diversify the local economy.
- B. To preserve the City's historical waterfront and guide private and public development in a direction that strengthens a relationship to that setting.
- C. To guide the construction of private and public improvements to evoke historic architectural styles which existed in the Coos Bay area between the 1870s and the 1920s.
- D. To provide for a mix of uses and improvements that include:
  - 1. Existing waterfront industrial uses;
  - 2. New water-oriented, water-related and non-water-related service businesses;
  - 3. Amenities and attractions which encourage public access to and enjoyment of the waterfront;
  - 4. Urban residential opportunities; and



5. Non- water dependent industrial uses.

- E. To provide an opportunity to reclaim the City's waterfront heritage and express pride in our past and present by redevelopment which evokes, but does not necessarily duplicate, the appearance of the early days of Euro-American settlement.
- F. To promote physical, cultural and commercial links among Front Street, the Boardwalk and the Downtown core area.

#### **17.240.020 WH Zoning Subdistricts**

The WH district shall be made up of three zoning subdistricts defined as follows:

- A. WH-1, Core Area. The area bounded by Alder Avenue to the south, U.S. 101 (North Bayshore) to the west, Date Avenue to the north and the Coos Bay waterway to the east.
- B. WH-2, Transition Area. The area bounded by Commercial Avenue to the south, U.S. 101 (North Bayshore) to the west, Fir Avenue to the north, and the Coos Bay waterway to the east, except that area defined as WH-1.
- C. WH-3, Central Dock Area. The area bounded by Fir Avenue on the south, U.S. 101 to the west, Ivy Avenue to the north and the Coos Bay waterway to the east.

#### **17.240.030 Permitted Uses**

The following are permitted uses in the WH district:

- A. For those areas lying east of Front Street, including the WH-3 subdistrict, all commercial, industrial, and civic uses which are water-dependent or water-related are permitted as allowed by the Coos Bay estuary management plan.
- B. Uses which are not water-dependent or water-related are permitted as set forth in Table 17.240.090.

#### **17.240.040 Conditional Uses**

The following uses are permitted in the WH district if authorized in accordance with the provisions of CBDC 17.325, Conditional Uses:



A. Civic Use Types.

Bus shelter (administrative conditional use, See CBDC 17.325, Conditional Uses)

B. Commercial Use Types.

1. Business equipment sales and service
2. Repair service, consumer
3. Tourist Habitation – Waterfront inn, WH-2 and WH-3 subdistricts only

C. Industrial Use Types. Manufacturing, WH-3 subdistrict only.

D. Horticulture Use Types.

**17.240.050 Uses Expressly Prohibited**

The following uses are expressly prohibited in the WH district:

A. Civic Use Types.

1. Educational service.

B. Commercial Use Types.

1. Automobile and Equipment.
  - a. Cleaning.
  - b. Fleet storage.
  - c. Repairs, light and heavy equipment.
  - d. Sales/rental, light and heavy equipment, except boats.
  - e. Storage, non-operating vehicles.
2. Agricultural sales/services.
3. Building/property maintenance service.



4. Fuel sales, other than marine.
5. Transportation services, except rail and marine.

#### **17.240.060 Preexisting Uses**

Notwithstanding CBDC 17.327, Non-Conforming Uses, uses legally established on May 1, 2001, the date the WH district was established, which would not otherwise be permitted in the WH district, are deemed to be preexisting uses and are allowed to continue on the same lot(s) or parcel(s), subject to the provisions of this section.

- A. Changes and/or Expansion.
  1. Any preexisting use which is changed to a permitted use shall not afterwards be changed back to the preexisting use.
  2. A preexisting use may be expanded and/or altered on the same lot. Expansion and/or alteration of improvements housing a preexisting use may occur on the same lot(s) or parcel(s), provided improvements connected with such expansion and/or alteration conform to the property development requirements of CBDC 17.240.070, Property Development Requirements, which includes design review standards. However, additional or different uses, not permitted by the WH district, are not allowed.
- B. Discontinuation. If a preexisting nonwater-dependent or water-related use is discontinued for a period of 12 consecutive months, the use shall not be re-established. Further uses on the premises shall be in conformity with the provisions of this chapter.
- C. Restoration. An improvement housing a preexisting use which is damaged by fire, natural disaster, or other casualty may be restored to its previous condition and the preexisting use resumed, provided such restoration is commenced within a period of 180 days after the event constituting the casualty. This limitation may be waived or extended by the Director by filing a request not more than 160 days after the event constituting the casualty upon a showing of good cause by the owner. A decision by the Director may be appealed to the Planning Commission pursuant to CBDC 17.130, Procedures.
- D. Maintenance. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration of any improvement housing a preexisting use to safe condition as required by law.



### **17.240.070 Property Development Requirements**

The following property development requirements shall apply to all land and improvements in the WH district:

- A. For property adjacent to the waterfront, primary ground level uses that are not water-dependent or water-related and are permitted or conditionally permitted in the WH zone are allowed, provided the following standards are met:
  - 1. Commercial or civic uses are water-oriented and provide goods and services to the general public.
  - 2. Except for non-water-dependent industrial uses in the WH-3 subdistrict:
    - a. A structure on the land abutting the waterfront provides a view of the water from the interior of the building.
    - b. At least one pedestrian access point to the waterfront is encouraged for each structure.
    - c. Row houses are exempt from the standards in this subsection in the WH-2 and WH-3 zoning subdistricts.
- B. Architectural Design Review. All development shall demonstrate compliance with CBDC 18.240.080, Architectural Design. For the purposes of this chapter, “development” is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window (size/pattern/material), siding or detailing on the exterior of any existing building.
  - 1. Existing water-dependent/water-related uses established on May 1, 2001, the date this provision is adopted, are exempt from the architectural design review.
  - 2. The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any building 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.
  - 3. 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.



4. The color of paint or stain to be applied to the exterior of the building is a ministerial decision to be made by the Director or designee. The proposed colors must be from, or similar to, the historical color palette, located in the community development department.

In a 12-month period, if less than 10 percent (10%) of the paintable wall area is to be covered with the building's existing paint color or stain, approval of the color is not necessary.

C. Lot Standards.

1. Minimum Lot Width. Each lot shall have a minimum width of 25 feet.
2. Minimum Lot Area. Each lot shall have a minimum lot area of 2,000 square feet.

D. Building Coverage. No minimum requirement.

E. Building Height.

1. WH-1 and WH-2 Zoning Subdistricts. All buildings or structures shall be no more than three (3) stories, or 35 feet in height, whichever is lower.
2. WH-3 Zoning Subdistrict. No building or structure shall be greater than four (4) stories, or 60 feet in height, whichever is lower.

- F. Yards. Except for a bus shelter, the setback from a property line abutting Front Street shall be not more than two (2) feet from the edge of the public right-of-way except that up to 25 percent (25%) of the facade may be set back a maximum distance of 10 feet. There are no side yard or waterfront setback requirements.

Structures on other streets in the WH district have no setback requirements other than those imposed under state or local building codes.

- G. Fences and Walls. Where fences or walls are used to reduce noise, provide security, create privacy, or for any other purpose, a pedestrian scale along the street shall be maintained. Techniques used to maintain a pedestrian scale may include, but are not limited to, the following:

1. Small setbacks, indentations, stepped fence heights, or other means of breaking up the fence or wall surface and heights;



2. Different textures, colors, or materials (including landscape materials) to break up the wall surface; or
3. Special lighting, canopies, awnings, horizontal trellises and other pedestrian-oriented features that break up the size of the blank wall surface.

H. Parking.

1. WH-1 and WH-2 Zoning Subdistricts. Off-street parking is not required except in WH-2 for the conditionally permitted use, tourist habitation – waterfront inn. All off-street parking, if provided, shall be on the interiors of lots or behind buildings, to the maximum extent practicable and in accordance with CBDC 17.340, Off-Street Parking and Loading Requirements. Off-street parking should be as unobtrusive as possible and screened in such a manner so that it is not visible from adjacent streets or public pedestrian walkways.
2. WH-3 Zoning Subdistrict. Off-street parking shall be provided in accordance with CBDC 17.340, Off-Street Parking and Loading Requirements.

- I. Screening. Mechanical equipment, outdoor storage areas, utility vaults, trash receptacles and satellite dishes or other mobile communications equipment shall be screened in a manner so that they are not visible from adjacent streets, public pedestrian walkways, or the water. Satellite dishes and mobile communications cell sites should be ground or wall-mounted unless technically infeasible. The dish/antenna should be screened and located in such a manner so as to reduce visibility from adjacent roadways and pedestrian ways.

- J. Utility Lines. Utility lines, including, but not limited to, those used for electricity, communications, street lighting and cable television, shall be placed underground for new construction or major remodeling. The Director may waive the requirements if topographical, soil or other conditions make such underground installation or screening of above-ground equipment impracticable.

- K. All uses within the WH district which are served by Alder, Birch, Cedar, Date and Fir Streets are encouraged to use these streets for vehicular ingress and egress. Curb openings onto Front Street and North Bayshore Drive are discouraged.

- L. Drive-through windows are prohibited.

- M. All development shall provide adequately sized trash receptacles, screened from public view.



N. Decks and Docks.

1. WH-1 Zoning Subdistrict. Owners of improvements along the Coos Bay waterfront between Alder Street and Date Street shall be encouraged to participate with the City and adjacent property owners in the development of a dock street to provide public access to the waterfront and water-oriented uses for pedestrians, emergency and service vehicles, and other community-oriented uses. Design specifications shall be in accordance with CBDC 17.240.080, Architectural Design.
2. WH-2 and WH-3 Zoning Subdistricts. Public access to the waterfront shall be encouraged.

O. Landowners shall sign a waiver of remonstrance against the creation of any local improvement districts if the improvements are part of a project adopted by the urban renewal agency.

P. Trip Analysis. For the purposes of this section, a “trip analysis” is a study or report that specifies the ADT (average daily traffic) for a use.

1. Prior to approval of any use, or the expansion of a use, in the area comprised of subdistrict WH-3 and the portion of subdistricts WH-1 and WH-2 lying east of Front Street, it is necessary to ensure that the cumulative ADT generated in this area only, by existing uses and the proposed use, does not exceed a total 8,000 ADT.
2. The applicant must complete a trip analysis demonstrating the change in the current ADT due to the proposal and compute the cumulative ADT using one of the following methods:
  - a. Retain a professional engineer with expertise in traffic or transportation engineering;
  - b. Trip generation figures for similar uses based on the latest edition of the publication, “Trip Generation,” by the Institute of Transportation Engineers (ITE Manual); or
  - c. Compute the average daily trips using a minimum of three sites with the same type and size of activity as proposed.
3. The Director may require a particular computation method upon determining that the development may have a substantial impact on the average daily trips to ensure the most reliable projections of impacts will be obtained.
4. A copy of the analysis and cumulative figures shall be sent to the Oregon Department of Transportation, Region 3, which will have 10 days to respond to the City in writing before approval may be granted.



5. The 8,000-ADT limitation for the area shall be removed or modified only in accordance with OAR 660-012-0060.
- Q. For nonwater-dependent manufacturing in the WH-3 subdistrict, development must be oriented on the site to minimize adverse impacts and to protect the privacy of adjacent uses to the maximum extent possible.
1. Manufacturing operations must be conducted in completely enclosed buildings;
  2. The City may require landscaping, walls or other buffering to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties;
  3. Mechanical equipment, lights, emissions, shipping/receiving area, and other components of an industrial use that are outside enclosed buildings shall be located away from other nonindustrial uses to the maximum extent possible; elements listed in subsection (17)(b) of this section may also be subject to this requirement;
  4. Uses which are likely to create significant adverse impacts beyond the industrial site property boundaries with respect to noise, light/glare, dust, or vibrations shall minimize the impacts to the maximum extent possible. The following criteria shall be used to determine whether or not the adverse impacts of a use are likely to be "significant":
    - a. Maximum permissible noise levels shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.
    - b. Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.
    - c. Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.
    - d. Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.



- e. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

#### **17.240.080 Architectural Design**

- A. Intent. The intent of the architectural design review goals and standards is to ensure that proposals for construction of new structures and for major remodeling of existing structures evoke the appearance of the prevailing architectural styles of the buildings in the WH district as they might have existed if constructed between the 1870s to the 1920s. For the purposes of this section, these styles are referred to as the “designated historic styles.” “Historical Buildings of Empire and Front Street,” a notebook of photographs from the historical time period, is available for review at the Community Development Department.
- B. Architectural Design Review Goals and Standards. In order to be approved, a design proposal must comply with both the architectural design review goals and standards.
  - 1. Architectural design review goals are the conceptual framework establishing the underlying objectives to be achieved by new development and modifications to existing development in the district. Architectural design review standards are the approval criteria developed to implement these architectural design review goals and used to review new development and modifications to existing development. Adherence to the architectural design review standards ensures the conservation and enhancement of the special characteristics of each district.
  - 2. Architectural design review standards are mandatory approval criteria used in the design review process. A design review application will be approved if the review body finds the applicant has shown the proposal complies with the architectural design review standards; provided, however, one or more of the guidelines may be waived as part of the design review process if the applicant can demonstrate that the proposal satisfies the architectural design review goals for the district.
  - 3. The factors which will be used in the evaluation process include architectural style of the proposal; compatibility with scenic values and architectural resources in the district; design quality; structural placement; dimensions; height; bulk; lot coverage by structures; exterior appearance of the building; open areas; and landscaping.



C. Architectural Design Review Goals.

1. Building Design – Massing. “Massing” is defined as a composition of two-dimensional shapes or three-dimensional volumes which gives the impression of weight, density and bulk. If the following architectural design review goals are met in the architectural design of development, acceptable massing may be accomplished:
  - a. Design should result in buildings with a perceived size that maintains a human scale that is comfortable and attractive for pedestrians.
  - b. Design should result in a quality street environment that is attractive to pedestrians and development.
  - c. Buildings of special historic significance and merit should be preserved. Maintain or restore as many of the proportions, dimensions and architectural details of historical significance, which were original or added to the building during the designated historic period.
  - d. New or remodeled structures abutting or directly across from buildings that have been identified as historic should be designed so as to preserve, and not detract from, the historic context and merit of the building.
  - e. Buildings should have consistent visual identity from all sides visible to the general public.
2. Building Design – Articulation. “Articulation” is defined as the emphasis given to architectural elements (such as, windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. If the following architectural design review goals are met in the architectural design of development, acceptable articulation may be accomplished:
  - a. The pattern and proportion of doors and windows should be similar to existing historic buildings in the WH district, and/or evoke the designated historic styles.
  - b. Finish materials, details and colors should evoke the designated historic styles.
  - c. Signage. Design for signs should emulate signage that existed during the designated historic period.

D. Architectural Design Review Standards. The purpose of these architectural design review standards, along with the notebook, “Historical Buildings of Empire and Front Street,” is to serve

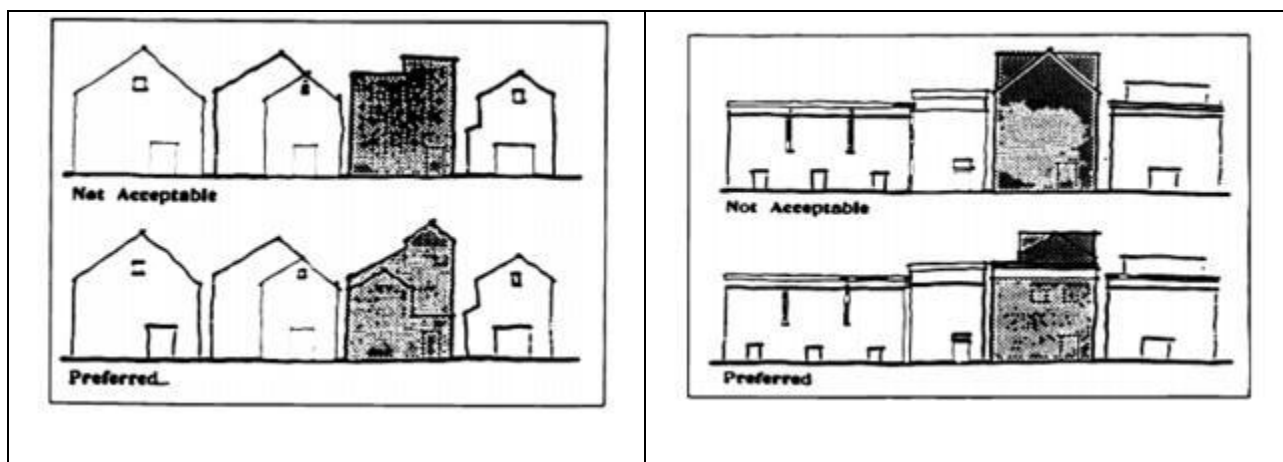


as a resource for designing development that will satisfy the architectural design review goals for the WH district. Design proposals may be approved if the following architectural design review standards are met in the architectural design of development:

1. Building Design – Massing.

- a. Use articulation on either new or existing building facades to reduce the bulk of buildings. Methods include, but are not limited to, the following:
  - (i) Modulation;
  - (ii) Broken rooflines; or
  - (iii) Building elements such as balconies, chimneys, porches or other entry details, and landscaping.
- b. Use architectural features such as cornices or other details that lower the apparent height of the building.
- c. Place display windows at the street level around the exterior of larger commercial buildings.

The pattern and proportion of windows, doors and other glazed areas is important in determining the building's architectural character. Rooflines can reinforce the architectural character of a street. Architectural features like cornices can relate to adjacent buildings, lowering the apparent, conflicting height of the building.





- d. The front elevation of large structures should be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the front elevation should be divided into distinct areas by:
  - (i) Creating a bay window or other building extension of at least one foot or more from the main structure;
  - (ii) Creating a roof pediment that is the full width of the structure; or
  - (iii) Setting part of the facade back one or more feet from the rest of the facade.
- e. For existing buildings of historic significance (in the WH district, these buildings are the Marshfield Sun at 1049 North Front Street, the Coos Bay Iron Works at 896 North Front Street and the Cahill Building, formerly Ferguson Transfer, 318 North Front Street):
  - (i) Restore or retain as many historic features as possible;
  - (ii) Maintain or restore original proportions, dimensions and architectural elements;
  - (iii) Select paint and material colors which are historically accurate, coordinate the entire facade, and do not conflict with adjacent buildings; and
  - (iv) Consult available historical resources such as the Coos Historical Society, private historians or photographic archives.
- f. At locations abutting or adjacent to buildings of historical significance:
  - (i) Use a roofline that emulates the historic building;
  - (ii) Use doors, windows, materials and details similar to the historic building; and
  - (iii) Break up the building facade using articulation which reflects the scale and proportions of the historic building.
- g. Continue exterior materials, architectural detailing, and color scheme around all sides of the building. Buildings must present an equivalent level of quality of materials, detailing and fenestration on all sides visible to the general public.
- h. Reserve bright colors for trim or accents unless it is common to the architectural style.



- i. Use of reflective exterior materials where glare would shine into nearby buildings is prohibited.
2. Building Design – Articulation – Finish Materials.
- a. Buildings should use wood or simulated wood products as their exterior finish material on elevations exposed to view from locations accessible by the public. Horizontal wood or simulated wood siding and wood shingles should be applied with exposure of each course not exceeding eight inches in width. Vertical siding should be rough-sawn “board on board” typical to the designated historical styles.
  - b. Plain plywood or grooved plywood panels should not be used as exterior finish materials on elevations exposed to view from locations accessible by the public.
  - c. Concrete or concrete block should not be exposed to view as exterior finish materials except for foundation walls not extending more than one foot above the finished grade level adjacent to the wall.
  - d. Wavy corrugated metal siding (rather than bold rib, box rib or v-beam) may be used as the finish material on exterior walls only if combined with other materials and details in such a way as to create a design that reflects the designated historic styles.
  - e. The design, detailing and trimming of the rooflines, porches, windows, doors and other architectural features should be in a manner that is in keeping with the designated historic styles.
  - f. Glass should be clear or ornamental stained glass. Translucent glazing should be used only for restrooms.
  - g. Roofing materials exposed to view should be wood shingles, composition roofing, or corrugated metal roofing in a subdued color that is in keeping with the historic styles noted.
  - h. Decorative features such as cupolas, cresting, chimneys, barge (rake), and soffit/fascia trim are encouraged if keeping with the architectural style.
  - i. Light fixtures should be integrated with architectural elements.
    - (i) Decorative light fixtures that are in keeping with the historic styles are encouraged.

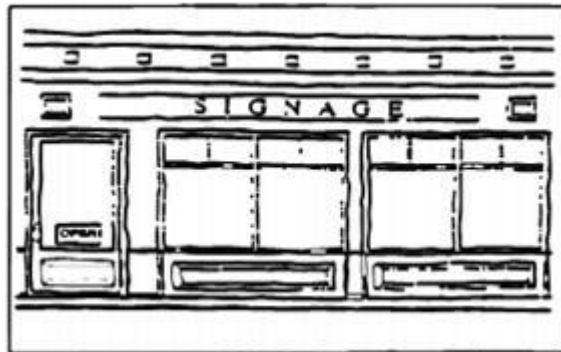


- (ii) Exterior light fixtures must not compete with city-furnished sidewalk period lights. Building lights should be metal halide or incandescent and are to be directed away from pedestrians and street traffic so as to avoid glare.
- E. Signage. Signs will be reviewed by the historical design review committee based on the standards set forth below. A sign permit is also required which will be reviewed by staff pursuant to the provisions in CBDC 17.337, Signs. If the provisions conflict, the stricter shall apply.
  - 1. Design for signs should emulate signage that existed during the designated historic period, and be consistent with the character of the storefront, the building on which they are situated and the area as a whole. Review for consistency includes, but is not limited to, evaluation of size, shape, position, materials and illumination in relationship to the facade and abutting and adjacent structures.
  - 2. Signs on a business front are limited to a building sign on each building face (identifying the building name), a sign for each business entry (vehicular or pedestrian), and interior painting of street-front windows.
  - 3. Signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot. Signs shall not be closer than two feet to any curbline. A projecting sign shall not project more than eight feet beyond the property line.
  - 4. All signs shall:
    - a. Be of an appropriate size and design;
    - b. Be sited sympathetically on the building;
    - c. Not obscure or remove detailing on the building;
    - d. Be designed as part of the building and not treated as an unrelated addition; and
    - e. Be related to the style and character of the building and general area.



1. Allowed Sign Types.

- a. Wall/Fascia Sign - means a sign placed on the vertical surface of a wall or fascia where the wall or fascia is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.



- b. Projecting or Hanging Sign – means a sign where the message area is displayed perpendicular to the building fascia.



- c. Awning Sign – means a structure made of fabric or similar material with a painted metal frame which is attached to a building and projects over a public walkway. An awning shall have no soffits, plastic components or internal lighting. Plastic awning fabrics are prohibited. Advertising material attached to an awning is an awning sign.



- d. Marquee Sign – means either a fascia sign, projecting sign or awning sign which contains movable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.
- e. Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed up to 45 days without approval of a sign permit.
- f. Miscellaneous. Sign types not otherwise listed which comply with the requirements of this subsection may be allowed upon approval by the historical design review committee.
- g. Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current is prohibited.
- h. Sandwich Board. Portable signs that are not permanently affixed to the ground or a structure are prohibited.

**Table 17.240.090 WH**

	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
Use	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
<b>Residential Uses</b>						
Condominium		P		P	P	P
Dwelling		P		P		P
Dwelling, Duplex		P		P		P
Dwelling, Multifamily		P		P		P
Row Houses			P	P	P	P
<b>Civic Uses</b>						
Administrative Service		P	P	P	P	P
Community Recreation	P	P	P	P	P	P
Library Service and Cultural Exhibit	P	P	P	P	P	P
Lodge, Club, Fraternal or Civic Assembly – Small and Large		P		P		P
Public Safety Service	P	P	P	P	P	P
Visitor Information Center	P		P		P	P
<b>Commercial Uses</b>						
Business Support Service		P	P	P	P	P
Child Care Facility (fewer than 13), accessory to permitted use		P	P	P	P	P

**Table 17.240.090 WH**

	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
Use	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
Clinic		P		P		P
Convenience Sales and Personal Services	P	P	P	P	P	P
Dining Establishments – Fast Order Food and Sit-Down	P	P	P	P	P	P
Farmer's Market/Fish Market	P	P	P	P	P	P
Financial, Insurance and Real Estate Services	P	P	P	P	P	P
Food and Beverage Retail Sales	P	P	P	P	P	P
Fuel Sales – Marine	P		P		P	
Galleries	P	P	P	P	P	P
Manufacturing, limited, which provides public viewing of on-site production and retail sales of finished products	P	P	P	P	P	P
Market Place Retail Sales	P	P	P	P	P	P
Parking Services – Prohibited east of Front St. except in WH-3	P	P	P	P	P	P
Participant Sports and Recreation – Indoor and Outdoor	P	P	P	P	P	P
Personal Services – General	P	P	P	P	P	P
Postal Service	P		P		P	

**Table 17.240.090 WH**

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
Professional and Administrative Services	P	P	P	P	P	P
Retail Sales – General (Less than 10,000 sq. ft. building)	P	P	P	P	P	P
Spectator Sports and Entertainment – Indoor and Outdoor	P	P	P	P	P	P
Tourist Habitation – Waterfront Heritage Bed and Breakfast	P	P	P	P	P	P
Transportation Service – Rail and Marine only	P	P	P	P	P	P
Watercraft Sales/Rentals	P		P		P	



## **Chapter 17.245 Waterfront Industrial District (W-I)**

### **Sections:**

- 17.245.010 Intent
- 17.245.020 Uses
- 17.245.030 Property Development Requirements

### **17.245.010 Intent**

The W-I district is included in the zoning regulations to achieve the following City objectives:

- A. To reserve the waterfront for uses which require water access for successful operation.
- B. To support the economic well-being and stability of the City's maritime economy.
- C. To preserve lands determined to be exceptionally suited for water-dependent and water-related uses.

### **17.245.020 Uses**

The uses, which are permitted, conditional, or prohibited, shall be regulated by the Coos Bay estuary management plan.

### **17.245.030 Property Development Requirements**

The standards of Section 3, Land Division and Development, of this title shall apply to all land and structures in the W-I zoning district except as specifically regulated in this section.

- A. Special Permits.
  - 1. It shall be the responsibility of the applicant to acquire other permits required by local, state and federal agencies prior to the issuance of a building permit by the City.
  - 2. Site plan and approval shall be required for the establishment, intensification, or major remodeling of any use in the W-I district if the use is within 400 feet of any residentially zoned property as measured from its external property boundaries.



- B. Lot Standards.
  - 1. Minimum Area. No requirements.
  - 2. Minimum Width. No requirements.
- C. Building Coverage. No requirements.
- D. Building Height. No requirements.
- E. Fences and Walls. No requirements, except to protect the health, safety, and general welfare of the public.
- F. Landscaping and Screening
  - 1. All heating and air handling equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.
  - 2. All storage and trash areas must be enclosed and screened from public view.
- G. Utilities. When practical, utilities such as power lines, telephone lines, and television cable shall be installed in underground conduits and approved by the public works department.
- H. Byproducts. There shall be no emissions, odor, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution which exceeds permitted levels of local, state, or federal regulations. If the Director determines that the proposed use might violate these standards or if a valid complaint has been registered about the possible pollution, the Director may require the owner or agent to show written compliance with state regulations.
- I. Noise. Maximum permissible noise level shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.



## Chapter 17.250 Hollering Place District (HP)

### Sections:

- 17.250.010 Intent.
- 17.250.020 HP Zoning Subdistricts.
- 17.250.030 HP-1, Upper Bluff Area.
- 17.250.040 HP-2, Lower Bench Area.
- 17.250.050 Conditional Uses in HP-2.
- 17.250.060 Estuarine Uses and Activities.
- 17.250.070 Property Development Requirements.
- 17.250.080 Site Design, Guidelines and Standards.
- 17.250.090 General Design Guidelines and Standards – Architectural Form and Composition.
- 17.250.100 Hollering Place Master Plan.

### 17.250.010 Intent

The area encompassed by the Hollering Place zoning district is intended to be developed as a planned unit development (PUD) based on the guidelines and requirements outlined below and the Hollering Place master plan. A cohesive design celebrating historic seaside architecture, reclamation of native shoreline habitats, sustainability, interpretation of local history and reconnection to the water are unifying elements relevant to the zoning district.

Development on the site must complement and connect with the existing business district to the east and act as a catalyst to help spur additional development and investment in the Empire area. A small-scaled gateway development near the intersection of Newmark Avenue and Empire Boulevard should act as a connection to the existing business district and as an entry statement signaling the presence of the remainder of the project. Preserving and enhancing views is a key component and must be balanced with achieving the right development mix and ensuring access for people and vehicles. The myriad of weather and environmental factors is also significant as is making sure the new development is complementary to adjacent uses.

The master plan referred to herein was prepared not as a detailed requirement, but as an example of the uses, property organization and development, site design, and architectural form and composition that can meet the intent of this code.



### **17.250.020 HP Zoning Subdistricts**

The Hollering Place (HP) district shall be made up of two subdistricts described as follows:

- A. HP-1, Upper Bluff Area. The upper bluff area encompasses the area west of Empire Boulevard, south of Newmark Avenue for a distance of approximately 225 feet, and east of the HP-2 subdistrict at the bottom of the bluff. This area contains approximately 0.84 acre (36,779 square feet).
- B. HP-2, Lower Bench Area. The remainder of the zoning district includes the area at the bottom of the bluff east of Mill Street for a distance of approximately 260 feet south of Newmark and the area west of Mill Street, south of Newmark Avenue, east of the mean high water line and north of Holland Avenue. This area contains approximately 2.11 acres (92,049 square feet). The area west of Mill Street and east of the mean high water line is also designated Coos Bay Estuary Management Plan 54-UW (urban water-dependent).

### **17.250.030 HP-1, Upper Bluff Area**

- A. The Hollering Place master plan recognizes that connection to the existing Empire business district is critical. Small-scaled gateway development near the intersection of Newmark Avenue and Empire Boulevard should serve as an anchor and entry statement signaling the remainder of the project. Preserving and enhancing views is a key component along with ensuring access for people and vehicles. Suggested uses in the area include, but are not limited to, the following:
  - 1. Dining establishment – Fast order food and sit-down;
  - 2. Drinking establishment;
  - 3. Food and beverage retail sales;
  - 4. Visitor information service;
  - 5. Retail sales;
  - 6. Office/reservations for lower bench area uses; and
  - 7. Library service and cultural exhibit.

Not more than 15 percent (15%) of the HP-1 area shall be occupied by structures. A structure must occupy a footprint of not more than 1,500 square feet; however, lot area may be used for



incidental use of the structure, such as outdoor seating and viewing. At least 75 percent (75%) of the HP-1 area must be dedicated to preserving and enhancing the views, and without cost to the user, parking and open space (trails, interpretive signage, kiosks, landscaping, etc.) for the outdoor enjoyment of the view and surrounding area.

**B. Architectural Character.**

1. A main building is intended to be a landmark on the bluff near the intersection of Newmark Avenue and Empire Boulevard and serve as an attractor for the activities on the lower portion of the site without compromising views of the bay from Newmark Avenue and Empire Boulevard.
2. Commercial uses should open onto Empire Boulevard with functional doors and windows, canopies/awnings, recessed entrance doors, and attractive signage at an appropriate scale to the building. Parking is to be located to the south of the landmark building.

**17.250.040 HP-2, Lower Bench Area**

- A. To engage the community and visitors alike, the master plan for the HP-2 area anticipates a range/mix of uses: commercial, residential, overnight lodging, hands-on/educational and recreational. Development in this area should:

1. Capitalize on views, the bayfront and recreational opportunities;
2. Serve as a catalyst for the Empire business district and other, nearby developments; and
3. Raise the standards for quality development.

Uses such as, but not limited to, religious assembly, lodge, club or fraternal/civic organizations which are not intended for the general public are not appropriate in this zone.

- B. Phased development of the area is allowed within the constraints of an overall development program and approval of a PUD which must include both HP-1 and HP-2. Because Hollering Place is not intended to be a single-type use development (that is, all residential or all commercial) each phase of development must:

1. Contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; and
2. Advance the historical element as delineated in the Hollering Place PUD.



- C. Architectural Character. Structures, which are limited to a footprint of 1,500 square feet, should evoke a village feel that is created through the buildings' design, scale, massing, and connection to public space and relationships to each other.
  - 1. Structures east of Mill Street must be designed so as not to obscure the view from the upper bluff area, HP-1.
  - 2. Residences are encouraged on the second floor of structures in the area west of Mill Street.
  - 3. Retail/cottage units may be mixed-use or live/work structures with retail or workshop spaces on the ground floor and a loft-style residential cottage unit above.

#### **17.250.050 Conditional Uses in HP-2**

The following uses are permitted in the HP-2 subdistrict if authorized in accordance with the provisions of CBDC Chapter 17.325, Conditional Uses, and adequate findings can be made to show the proposed use is complementary to the master plan.

- A. Commercial Use Types.
  - 1. Limited manufacturing. (See CBDC Industrial/Commercial Districts.)
- B. Any civic, commercial, or agricultural use which is proposed to exceed a 1,500-square-foot footprint in gross floor area.

#### **17.250.060 Estuarine Uses and Activities**

The uses and activities set forth in Coos Bay Estuary Management Plan 54-UW may be permitted if, by allowing the use/activity, the intent of the HP zoning district is met. In addition, the use/activity must satisfy CBDC 17.340, Off-Street Parking and Loading Requirements, and the provisions of this chapter.

#### **17.250.070 Property Development Requirements**

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

- A. Building Height. Buildings shall be arranged and built to maximize the view of the bay, water and water access, and the North Spit.



1. HP-1 Zoning Subdistrict. Buildings shall be no more than 25 feet in height from grade to the highest point on the roof.
  2. HP-2 Zoning Subdistrict. Buildings shall be no more than 35 feet in height from grade to the highest point on the roof.
- B. Yards. Setbacks are regulated by state building codes. Setbacks from the line of nonaquatic vegetation are regulated by Coos Bay Estuary Management Plan Policy 23.
- C. Screening. Mechanical equipment, outdoor storage areas, utility vaults, refuse storage, fuel storage tanks, fire check valves, service and loading areas, and the like, shall be located out of view from the general public and shall be screened in a manner so that they are not visible from adjacent streets, public pedestrian walkways, the water, or the upper bluff area. Satellite dishes and mobile communications cell sites shall be screened and located in such a manner so as to reduce visibility from adjacent roadways, pedestrian ways and the bluff.
- Screening devices must be designed to directly relate in materials, character, finish, color and detail to the primary structure. Landscaping may assist in screening enclosures and equipment/utility storage areas. Screening should not result in hiding places or entrapment areas.
- D. Utility Lines. Utility lines, including, but not limited to, those used for electricity, communications, street lighting and cable television, shall be placed underground. The Director may waive the requirements if topographical, soil or other conditions make such underground installation or screening of above-ground equipment impracticable.
- E. Drive-through windows are prohibited.
- F. Murals are prohibited.
- G. 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 CBDC 17.320, 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.
- H. Architectural Design Review. Approval of an architectural design review, as set forth in CBDC 17.250.090, General Design Guidelines and Standards – Architectural Form and Composition, is required for all development. For the purposes of this chapter, “development” means any new structure or an extension or increase in floor area or height of an existing structure, or change to



the style, signage, color, window (size/pattern/material), siding, or detailing on the exterior of any existing building.

1. 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.
2. 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.
- I. Historical Elements. The “story trail” concept in the Hollering Place master plan, which describes the Hollering Place and its history, shall be exhibited at different interpretive points of interest throughout the HP zoning district. Developers will be required to set aside space to accommodate historical elements such as the “story trail” and interpretive signs. The location of the elements must be determined at the time of the PUD.
- J. Parking. All parking areas must be supported by landscape buffers. Parking in HP-1 must be located on the southern portion of the area and visually subdued from Empire Boulevard with low-growing plant material. Except for residential uses, off-street parking requirements as set forth in CBDC 17.340 do not apply for the HP zoning district.
- K. Partitioning to allow for separate financing of individual components of the development may be done as part of the planned unit development process.

#### **17.250.080 Site Design, Guidelines and Standards**

All development in the HP district shall be consistent with the intent of the master plan and with the site design, guidelines and standards listed in this section. Site design shall respond to environmental, cultural and historic site features by taking advantage of existing view corridors, land use patterns, landforms, prevailing winds, and water-related activities. Long-term sustainable practices should be a focus, including marine resource protection, restoration of native plant communities, and habitat enhancement.

- A. Vehicle Circulation. The existing street patterns, access points and rights-of-way off of Empire Boulevard shall remain. The primary entry point to the lower development will be from Newmark Avenue with a secondary access along Mill Street off of Michigan Avenue. Access to existing businesses and uses will remain, but will be modified to support on-street parking.



Existing access to the boat ramp and parking lot shall remain. Parking along Holland Avenue, the south property line of the subject property, shall remain as boat ramp parking.

- B. Pedestrian Circulation. Pedestrian connectivity and continuity should be provided throughout the project with clear crosswalks, curb cuts that meet code, and adequate lighting. Provide high-quality site furnishings suitable for coastal environments with long life and low maintenance.
- C. Historic Elements. The installation of interpretive panels are to celebrate early Hanisitch settlements and stories; early settlers and industries; estuary and wildlife themes. During the PUD process, the developer will set aside designated space where the panels and “story trail” will be located. The creation, installation and maintenance of panels and trail will be the responsibility of the City as development occurs.
- D. Landscape. All landscaping plans, including the plan for irrigation, shall be approved by the approving authority and installed and subsequently maintained in good condition and in perpetuity by the owner of the property. The landscape plan should reflect a theme (continuity) to be carried out throughout the development. For example, two to three large tree types, four to six shrub types, evergreen and deciduous framework, and color and highlights. Maintenance shall include, but not be limited to, watering, pruning, trimming, mowing, debris and weed removal, and, if necessary, replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a violation of this code. Landscaping must not result in hiding places or entrapment areas or create a danger to pedestrians.
  - 1. Landscaping should be in scale with adjacent buildings and be of appropriate size at maturity. Trees and shrubs used shall be selected from varieties compatible with the southern Oregon coast climate and which do not have destructive root systems which could damage either buildings or paved surfaces. Where parking lots abut buildings, foundation plantings are required.
  - 2. The landscaped area shall be planted with shrubs and/or ground cover to assure 50 percent (50%) coverage within one year and 90 percent (90%) coverage within five (5) years. All landscaped areas should be planted and uniformly mulched.

#### **17.250.090 General Design Guidelines and Standards – Architectural Form and Composition**

Establish visual linkages between the Empire business district and development on the bluff along Empire Boulevard, the various development areas on the lower site, views to the bay, and potential future development on adjacent sites. Design and locate buildings to minimize the effects of undesirable



bay winds at ground level. The following design guidelines and standards are provided for all development in the HP zoning district.

- A. Respond to public streets and public spaces. Along pedestrian routes design development to encourage use by pedestrians by providing a safe, comfortable, and interesting walking environment.
- B. Architectural Character. The desired architectural character of the Hollering Place project is that of vernacular maritime or fishing villages. Examples of this include the many seaside villages and destinations in New England, such as Nantucket, and some of the small towns on the Oregon coast, such as Cannon Beach and Nye Beach, and the Oregon Institute of Marine Biology (OIMB).

Design and scale buildings for their function and with respect to their context. Building elevations shall be articulated; long, continuous, unbroken wall and roof planes should be avoided. Architectural detailing and ornamentation, such as cornices, eaves, recessed or covered entryways, and awnings, are encouraged.

1. Attention shall be paid to the following architectural elements:

- a. Building form and massing;
- b. Building height;
- c. Rooflines and parapet features;
- d. Special building features (e.g., towers, porches, entries, canopies, signs, and artwork);
- e. Window size, orientation, and detailing;
- f. Materials and color; and
- g. The building's relationship to the site, climate, topography and surrounding buildings.

2. Building Entries.

- a. The main entrances to buildings shall be prominent, interesting and pedestrian-accessible.
- b. The orientation of building entries shall:



- (i) Orient the primary entrance toward the street, pedestrian walkway, public plaza or courtyard rather than the parking lot;
- (ii) Connect the building's main entrance to the sidewalk with a well-defined pedestrian walkway; and
- (iii) Primary entrances shall be designed as inviting architectural features so they are clearly identifiable and offer a sense of arrival.

### 3. Building Facades.

- a. Building frontages shall include architectural elements such as, but not limited to: bay windows, recessed entrances and windows, display windows, porches, balconies, or other architectural details or articulation, so as to provide visual interest in addition to creating community character and pedestrian scale. The overall design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of itself, does not meet the requirements of this subsection.
- b. The dominant feature of any building frontage that is visible from the public area shall be the habitable area with its accompanying windows and doors.
- c. Developments shall be designed to encourage informal surveillance of the public areas by maximizing sight lines between the buildings, public spaces and streets. This includes views both at ground level and from upper level balconies and windows.
- d. The exterior walls of all building facades shall be of suitable durable building materials. All facades of any given building should be of consistent building materials. Side and rear building facades must have a level of detail and finish compatible with the front facade. If windowless walls are proposed, appropriate wall articulation is to be incorporated into the design to be compatible with the more prominent facades of the building.
- e. A preliminary review by the City is required if the following materials are contemplated:
  - (i) Unfinished concrete (painted or unpainted);
  - (ii) Unfinished concrete block (painted or unpainted);
  - (iii) Unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard);



- (iv) Concrete block, split-face block, and cinder block.
- f. Appropriately scaled architectural detailing is encouraged.
- g. Awnings or canopies are encouraged. Backlit awnings are prohibited.
- 4. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.
- 5. Use muted and naturally occurring colors as predominant building colors.
- 6. Building rooflines shall be designed to create architectural interest and contribute to the overall identity of the area.
- 7. Lighting of a building facade shall be designed to complement the architectural design. Lighting shall not draw inordinate attention to the building.
- 8. Service Zones.
  - a. Building and sites shall be organized to group the utilitarian functions away from view of the public area.
  - b. Delivery and loading operations, mechanical equipment (HVAC), trash compacting/collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. Because of views from the wayside in HP-1, roof-mounted equipment as HVAC, etc., shall be prohibited unless incorporated with architectural screening.
  - c. The visual and acoustic impacts of these functions, along with all wall or ground-mounted mechanical, electrical and communications equipment, shall be out of view from adjacent properties and the public realm.
  - d. Screening materials and landscape screens shall be architecturally compatible with the principal materials of the building.
- C. Signs. The standards in this subsection are in addition to the standards in CBDC 17.337, Signs. If the provisions conflict, the stricter shall apply. Signs on the building facade should be clear, informative and made of high-quality, durable materials for longevity. Oversized, glaring and excessive signage is prohibited. Signs should take into account the scale of the building and the



viewer, particularly the pedestrian. All signage unless specifically stated is subject to review under CBDC 17.250.090, Architectural Design Review. General standards for signage follow:

1. Size, materials, style, position and color shall complement the building facade and shall be compatible with the surrounding area. Signs may be illuminated by very low level lighting during evening hours and the lighting shall not flow onto the adjacent property or street.
2. Signs on a business front are limited to a building sign on each building face (identifying the building name) and a sign for each business entry (vehicular or pedestrian).
3. Sign Types.
  - a. Wall-mounted signs are permitted not exceeding two feet in height. Letters shall not exceed 18 inches in height or width and one inch in relief. A wall/fascia sign must not extend across two storefronts or across separate buildings.
  - b. Building plaques bearing an appropriate thematic decorative motif, or an owner's or building's name may be placed in the building's cornice wall or under the eaves, and above the upper story windows.
  - c. Street addresses (building numbers) shall be placed above street entry doors and be visible to the pedestrian and emergency services. In instances where the entry doors are not clearly visible from the street, the street address shall be affixed to a permanent structure at the primary entranceway to the property.
  - d. Building identification shall include signage at the pedestrian level, clearly visible from the adjacent sidewalk. This can include one or more of the following: window and door signs, projecting signs and awning signs as described below.
  - e. Temporary window signs may be allowed on storefronts. The area of the text and graphics shall not cover more than 30 percent (30%) of the window area.
  - f. Door signs of wood, bronze, metal, stone or glass may be placed on either or both sides of the entry doors with the street address located above the door. They shall not exceed two square feet and one inch in relief.
  - g. Awning Sign. Advertising material attached to an awning is an awning sign. Signs may be hung from or located on the face of any overhang or awning.



- h. Projecting Sign. A projecting sign is a sign where the message area is displayed perpendicular to the building facade. The sign should be hung from the building face below upper floors so as to be visible to pedestrians.
- i. Freestanding signs, such as, but not limited to, a sandwich board, pedestal sign holder, and other types of freestanding signs shall be included as part of the maximum allowable area for signs and are prohibited in the right-of-way without a right-of-way use permit.
- j. Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current. Signs such as “open” or “closed,” which are no more than two square feet in size, are permitted without review.
- k. Miscellaneous. In addition to the above sign types, other types of signing may be appropriate if they meet the criteria of this section.
- l. Prohibited Signs.
  - (i) Pole-mounted signs and billboards;
  - (ii) Electrical or Mechanical Signs. No sign shall contain or be illuminated by any flashing, blinking, moving or rotating light;
  - (iii) Internally illuminated sign (neon tubing signage shall not be considered as internally illuminated sign);
  - (iv) Reader-boards;
  - (v) Electric message display signs;
  - (vi) Roof signs; and
  - (vii) Attraction devices (strings, groupings, or pinwheels).



## Chapter 17.255 Urban Public District (UP)

### Sections:

- 17.255.010 Establishment of District Designation
- 17.255.020 Uses
- 17.255.030 Development Standards

### 17.255.010 Establishment of District Designation

The Urban Public (UP) district applies to areas designated at the time of the adoption of the ordinance codified in this chapter. This designation may be applied to additional areas pursuant to a zone change.

### 17.255.020 Uses

The permitted uses in the UP district include public facilities, public parks, playgrounds, open spaces, cemeteries, and natural resource preservation or enhancement, subject to the applicable provisions of this and other applicable provisions of this title.

The following uses in the Urban Public District zone are permitted (P), conditional (C) or prohibited (X) as indicated in CBDC Table 17.255.020.

**Table 17.255.020 – Uses**

<b>Residential</b>	
Single-family dwelling, only in conjunction with a permitted use	C
<b>Civic Use Types</b>	
Community recreation	P
Parking service	P
Government offices and related uses	C
Bus shelter	C
Educational service and related offices	P

**Table 17.255.020 – Uses**

<b>Residential</b>	
<b>Commercial Use Types</b>	
Funeral and interment services – Cemetery	P
Dining establishments, only in conjunction with a permitted use	C
<b>Uses expressly prohibited</b>	
All nonrelated uses	X

**17.255.030 Development Standards**

- A. All development proposal requests shall participate in the pre-application process.
- B. In general the dimensional and development standards of the Commercial zoning district shall apply. At the time of pre-application conference the Director shall determine which base zone standards shall be required or whether additional standards are necessary.
- C. The following development standards apply to all land and structures in the UP District:
  1. Site Plan. Except for bus shelters, review and approval shall be required prior to the construction of any building designed for public use and for major improvements, large scale landscaping plans, and trail/path systems in the parks.
  2. Building Height. No building shall have a height greater than three (3) stories, not to exceed 35 feet in height.
  3. Riparian Vegetation.
    - a. Riparian vegetation surrounding Empire Lakes is considered significant habitat in the comprehensive plan. This habitat shall be protected by leaving the existing vegetation undisturbed to its full width, if possible, but at least to a width of 50 feet measured horizontally from the shoreline. If there is less than 50 feet of vegetation, all of it shall be protected. The shoreline shall be the line of nonaquatic vegetation.



- b. Water access, trails/paths, picnicking areas, or other recreation uses may be permitted if the activities are part of a master plan for the park, and if they constitute no more than a 20 percent (20%) cumulative reduction in the total vegetation surrounding the lake within the zoning designation.
- c. The riparian vegetation along the shoreline in the Eastside area will be protected based on Policy 23 of the Coos Bay Estuary Management Plan.



## **Chapter 17.260 Medical Park District (MP)**

### **Sections:**

- 17.260.010 Intent
- 17.260.020 Permitted Uses
- 17.260.030 Conditional Uses
- 17.260.040 Uses Expressly Prohibited
- 17.260.050 Property Development Requirements

### **17.260.010 Intent**

- A. The medical park district is designed to achieve the following City objectives:
- B. Encourage the centralization of Coos Bay's medical facilities.
- C. Provide space for semi-public facilities needed to complement medical facilities.
- D. Facilitate the establishment of the medical park district as an efficient regional referral center.
- E. Facilitate the planning and programming of desirable and/or needed utilities and facilities to adequately accommodate planned service level and intensity of use.
- F. Create an aesthetically pleasing, park-like environment conducive to the promotion of mental health and general well-being.
- G. Establish and reserve appropriately located areas for desirable mixtures of medically related professional, limited complementary commercial, administrative business offices, and medically related multifamily residential uses.
- H. Control the encroachment of medically related facilities into established or intended residential areas.

### **17.260.020 Permitted Uses.**

The following uses are permitted in the MP zoning district:

- A. Residential Use Types.



1. Group residential care facility.

B. Civic Use Types.

1. Hospital.
2. Utility and service – Outside storage of equipment prohibited.

C. Commercial Use Types.

1. Medical service.
2. Retail sales, general – Pharmacy only.

**17.260.030 Conditional Uses**

The following uses are permitted in the MP zoning district:

- A. Residential Use Types. Multiple-family which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas.
- B. Commercial Use Types.
  1. Child care facility.
  2. Retail sales, general – Florist or gift shop only.
  3. Tourist Habitation. Lodging which is medically related or fulfills a direct need to the district, which cannot be fulfilled in other areas.
- B. Civic Use Types.
  1. Bus shelter (administrative conditional use, see CBDC 17.325, Conditional Uses).

**17.260.040 Uses Expressly Prohibited**

The following uses are expressly prohibited in the MP zoning district:

- A. Residential Use Types, unless otherwise authorized by this chapter.
- B. Civic Use Types, unless otherwise authorized by this chapter.



- C. Commercial Use Types, unless otherwise authorized by this chapter.
- D. Agricultural use types.
- E. Industrial use types.

#### **17.260.050 Property Development Requirements**

The standards of Section 3, Land Division and Development, of this title apply to all land and structures in the MP district unless otherwise superseded by site plan, or as specifically regulated in this section.

- A. Site Plan. Except for bus shelters, a site plan and approval is required for the establishment or change of any use in the MP district.
- B. Lot Standards.
  - 1. Residential.
    - a. Minimum area: 8,000 square feet for the first three dwelling units and not more than one dwelling unit per 1,200 square feet thereafter.
    - b. Minimum width: each lot shall have a minimum width of 40 feet.
  - 2. Nonresidential.
    - a. Minimum area: none required.
    - b. Minimum width: none required.
- C. Building Coverage. Maximum lot coverage by buildings and structures shall not exceed 50 percent of the total lot area.
- D. Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, unless otherwise approved through site plan.
- E. Landscaping and Screening.
  - 1. Screen heating and air equipment from public view. This does not apply to roof-mounted equipment.
  - 2. Enclose and screen all storage and trash areas from public view.



## Chapter 17.265 Empire Waterfront Settlement Design Review

### Sections:

- 17.265.010 Purpose
- 17.265.020 Definitions and Exemptions
- 17.265.030 Architectural Design

#### 17.265.010 Purpose

The provisions of this chapter are intended to: Provide a mechanism to promote the educational, cultural, economic, and general welfare of the community; Provide an opportunity to reclaim the waterfront heritage setting and to guide development in a direction that strengthens a relationship with that setting; and Guide the construction of private and public development to evoke the architectural styles which existed in Empire from the mid-to-late 1800s. Common architectural styles of the time period include Cascadian Rustic, Plank Styles, False Front, Salt Box, Queen Anne and Victorian.

#### 17.265.020 Definitions and Exemptions

- A. The design area includes lots or parcels abutting Newmark Avenue or any portion of a structure that is contiguous to a structure located on a lot or parcel abutting Newmark Avenue. The design area extends west along Newmark Avenue from the intersection of Ocean Boulevard to Empire Boulevard. All development must comply with an architectural design review pursuant to 17.265.090.
- B. For commercial uses and the purposes of this chapter, “development” is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window (size/pattern/material), siding or detailing on the exterior of any existing building. Alterations to a structure are considered development when there is a change in design, material or external appearance.
- C. The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any building 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.



- D. 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. Use similar or like materials for the maintenance or repair.

Examples of maintenance include, but are not limited to: replacing a window with the same type of glass, framing material and style of window or replacing siding in disrepair with siding of the same or similar material.

Exterior alterations which involve replacement with dissimilar materials and/or any new construction, that is not visible from Newmark Avenue, are exempt from design review.

- E. The Director shall review the application of exterior paint color or stain visible from Newmark Avenue. The Director shall only approve colors selected from or similar to the community services historical color palette the Department maintains.

During a 12-month period, if less than 10 percent (10%) of the paintable wall area visible from Newmark Avenue, is to be covered with the building's existing paint color or stain, approval of the color is not necessary.

#### **17.265.030 Architectural Design**

The architectural design review goals and standards are intended to supplement the development standards of the commercial zoning district. Where the provisions of this section conflict with the provisions of the zoning district, the stricter shall apply.

- A. Intent. The intent of the architectural design review goals and standards is to ensure that proposals for development evoke the appearance of the prevailing architectural styles of buildings as they might have existed if constructed in the Empire area during the mid-to-late 1800s. For the purposes of this chapter, these styles are referred to as the "designated historic styles." "Historical Buildings of Empire and Front Street," a notebook of photographs from the historical time period, is available for review at the community services department, planning division.
- B. Architectural Design Review Goals and Standards. In order to be approved, a design proposal must comply with both the architectural design review goals and standards.
  - 1. Architectural design review goals are the conceptual framework establishing the underlying objectives to be achieved by development in the design area. Architectural design review



standards are the approval criteria developed to implement the architectural design review goals and used to review development.

2. Architectural design review standards are mandatory approval criteria used in the design review process. The review authority shall approve a design review application if it finds the proposal clearly complies with the applicable architectural design review standards; provided, however, the review authority may waive one or more of the architectural design review standards during the design review process if the applicant clearly demonstrates the proposal satisfies the architectural design review goals for the design area.
3. The review authority shall consider factors, such as, the architectural style of the proposal; compatibility with scenic values and architectural resources in the design area; design quality; structural placement; dimensions; height; bulk; lot coverage by structures; exterior appearance of the building; open areas; and landscaping.

C. Architectural Design Review Goals.

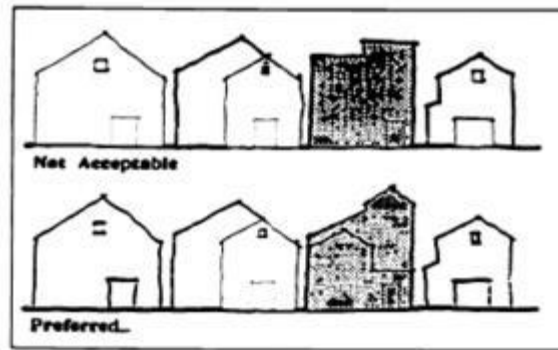
1. Building Design – Massing. “Massing” is defined as a composition of two-dimensional shapes or three-dimensional volumes, which gives the impression of weight, density and bulk. If the following architectural design review goals are met in the architectural design of development, acceptable massing may be accomplished:
  - a. Design should result in buildings with a perceived size that maintains a human scale that is comfortable for and attractive to pedestrians;
  - b. Design should result in a quality street environment that is attractive to pedestrians and development;
  - c. Buildings of historic significance and merit should be preserved. Maintain or restore as many of the proportions, dimensions and architectural details of historical significance which were original or added to the building during the designated historic period (the identified historic building in the design area is the house at 476 Newmark Avenue);
  - d. Design new or remodeled structures abutting or directly across from an historic building so as to preserve, not detract from, the historic context and merit of the building; and
  - e. Buildings should have consistent visual identity from all sides visible to the general public from Newmark Avenue.



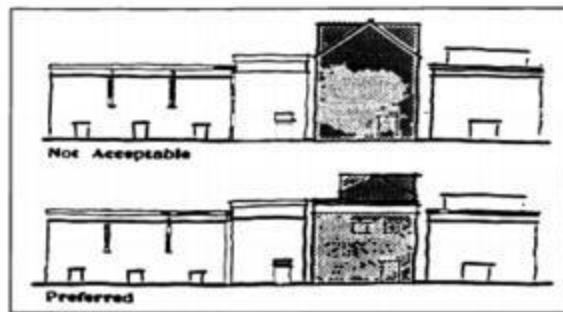
2. Building Design – Articulation. “Articulation” is defined as the emphasis given to architectural elements (such as windows, balconies, entries, etc.) that create a complementary pattern or rhythm dividing large buildings into smaller identifiable pieces. If the following design review goals are met in the architectural design of development, acceptable articulation may be accomplished:
    - a. Doors and window patterns should evoke buildings constructed during the designated historic period; and
    - b. Finish materials, details and colors should evoke the designated historic styles and period.
  3. Signage. Design for signs should emulate signage that existed during the designated historic period.
- D. Architectural Design Review Standards. The purpose of the architectural design review standards, along with the notebook, “Historical Buildings of Empire and Front Street,” is to serve as a resource for designing development that will satisfy the architectural design review goals of the architectural design review standards for the design area. Design proposals may be approved if the following architectural design review standards are met in the architectural design of development:
1. Building Design – Massing.
    - a. Use articulation on either new or existing building facades to reduce the bulk of buildings. Methods include, but are not limited to, the following:
      - (i) Modulation;
      - (ii) Broken rooflines; or
      - (iii) Building elements such as balconies, chimneys, porches or other entry details, and landscaping.
    - b. Use architectural features such as cornices or other details that lower the apparent height of the building.
    - c. Place display windows at the street level around the exterior of larger commercial buildings.



The pattern and proportion of windows, doors and other glazed areas is important in determining the building's architectural character.



Rooflines can reinforce the architectural character of a street.



Architectural features like cornices can relate to adjacent buildings, lowering the apparent, conflicting height of the building.

- d. Larger building facades shall be broken down into units that resemble the size of storefront facades from the historical era. When the front elevation of a structure is more than 750 square feet in area, divide the elevation into distinct areas by:
  - (i) Creating a bay window or other building extension of at least one foot or more from the main structure;
  - (ii) Creating a roof pediment that is the full width of the structure; or
  - (iii) Setting part of the facade back one or more feet from the rest of the facade.
- e. For existing buildings of historic significance:



- (i) Restore or retain as many historic features as possible;
    - (ii) Maintain or restore original proportions, dimensions and architectural elements;
    - (iii) Select paint and material colors which are historically accurate, coordinate the entire facade, and do not conflict with adjacent buildings; and
    - (iv) Consult available historical resources such as the Coos Historical Society, private historians or photographic archives.
  - f. At locations across from, abutting or adjacent to buildings of historical significance:
    - (i) Use a roofline that emulates the historic building;
    - (ii) Use doors, windows, materials and details similar to the historic building; and
    - (iii) Break up the building facade using articulation which reflects the scale and proportions of the historic building.
  - g. Flat roofs are permitted with detailed stepped parapets.
  - h. The facade must be designed to emphasize the center or primary entrance(s).
  - i. Continue exterior materials, architectural detailing, and color scheme around all sides of the building visible to the public from Newmark Avenue. Buildings must present an equivalent level of quality of materials, detailing and fenestration on all sides visible to the general public from Newmark Avenue.
  - j. Reserve bright colors and black for trim or accents unless it is consistent with the architectural style.
  - k. Use of reflective exterior materials where glare would shine into nearby buildings is prohibited.
2. Building Design – Articulation – Finish Materials.
- a. Vary and articulate facades to provide visual interest to pedestrians.
  - b. Buildings should use wood or simulated wood products as their exterior finish material on elevations exposed to view from locations accessible by the public.



- c. Do not use plain plywood or grooved plywood panels as exterior finish materials on elevations exposed to view from locations accessible by the public.
- d. Do not expose concrete or concrete block to view as exterior finish materials except for foundation walls not extending more than one foot above the finished grade level adjacent to the wall.
- e. Metal siding is prohibited for exterior walls.
- f. The design, detailing and trimming of the rooflines, porches, windows, doors and other architectural features should be in a manner that is in keeping with the designated historic styles.
- g. Glass should be clear, lightly tinted or ornamental stained glass. Use translucent glazing only for restrooms.
- h. Roofing materials exposed to view should be wood shingles, composition roofing, or wavy corrugated metal roofing (rather than bold rib, box rib or v-beam) in a subdued color that is in keeping with the historic styles noted. Decorative features such as cupolas, cresting, chimneys, barge (rake), and soffit/fascia trim are encouraged if it is consistent with the architectural style.
- i. Integrate light fixtures with architectural elements. Decorative light fixtures that are in keeping with the historic styles are encouraged.
- j. Exterior light fixtures must not compete with city-furnished sidewalk period lights. Building lights should be metal halide or incandescent and are to be directed away from pedestrians and street traffic so as to avoid glare.

**Table 17.265.030 – Proposed Historic Color Palette for the Empire Historic District**

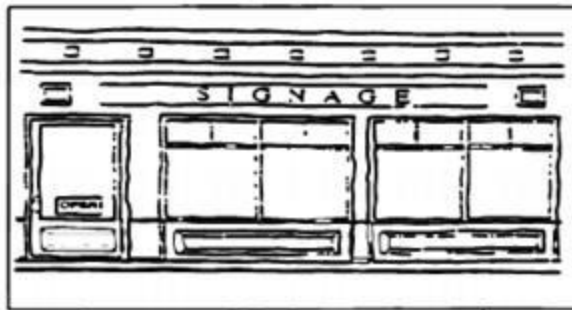
Style Classification	Proposed Palette
Cascadian Rustic	Body and Trim: HC 40 – 51 and 64 – 75.
Plank Style	Unfinished.
False Front	Body and Trim: HC 85 – 87, 103 – 107 Downing Sand, Stone, Earth (100 Years of Color).
Salt Box	Body Color: Colonial Revival Series (100 Years of Color). Also, HC 4 – 6, 31 – 33, 114 – 120, 127 – 132, 138 – 153, 162 – 165, 169 – 174, white. Trim: White.
Queen Anne/Victorian	“Painted Ladies” palette. Rookwood series palette (100 Years of Color).
Vernacular	Body Color: All of Ben Moore HC palette except: HC 40, 49 – 51, 61 – 73, 85, 100, 101, 103, 106, 121, 124 – 126, 133 – 135, 154 – 160. Trim: Entire palette.

Note: HC = Historic colors from Benjamin Moore Paints.

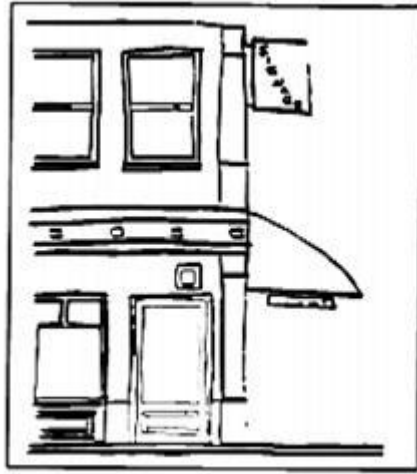
- E. Signage Standards. The standards below are in addition to the standards in CBDC 17.337, Signs. If the provisions conflict, the stricter shall apply. A sign permit is required.
1. Signs must be consistent with the character of the facade, the building on which they are situated and the abutting and adjacent area. Review for consistency includes, but is not limited to, evaluation of size, shape, position, materials and illumination in relationship to the facade and abutting and adjacent developments.
  2. Signs on a business front are limited to a building sign on each building face (identifying the building name), a sign for each business entry (vehicular or pedestrian), and interior painting of streetfront windows.



3. Signs shall have a minimum clearance of eight (8) feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot. Signs shall not be closer than two (2) feet to any curblane. A projecting sign shall not project more than eight (8) feet beyond the property line.
4. All signs shall:
  - a. Be of an appropriate size and design;
  - b. Be sited sympathetically on the building;
  - c. Not obscure or remove detailing on the building;
  - d. Be designed as part of the building and not treated as an unrelated addition; and
  - e. Be related to the style and character of the building or area.
5. Allowed Sign Types.
  - a. Wall/Fascia Sign. A “wall/fascia sign” is defined as the vertical surface of a wall/fascia which is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.



- - b. Projecting or Hanging Sign. A “projecting or hanging sign” is defined as a sign whereon the message area is displayed perpendicular to the building facade.



- c. Awning Sign. An “awning” is any structure made of fabric or similar material with a painted metal frame which is attached to a building and projects over a public walkway. An awning shall have no soffits, plastic components or internal lighting. Plastic awning fabrics are prohibited. Advertising material attached to an awning is an awning sign.



- d. Roof Sign. Any sign that is displayed upon or supported in any way by a roof.
- (i) Roof signs are discouraged.
  - (ii) Where the design of a building dictates that a roof sign is necessary, the sign must:
    - (A) Be related to the style and character of the building or area; and
    - (B) Not project above the roof ridge line.



- e. Marquee Sign. A “marquee sign” is defined either as a fascia sign or a projecting sign or awning sign which contains moveable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.
- f. Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed for up to 45 days without approval of a sign permit.
- g. Miscellaneous. In addition to the above sign types, other types of signing may be appropriate if it meets the criteria listed in subsection E.
- h. Neon Signs (any sign where neon or other gas contained in tubing is illuminated by the application of electric current) are prohibited.
- i. Pole-Mounted or Freestanding Sign are subject to review.
- j. Sandwich Board signs are prohibited.

## Chapter 17.270 Watershed District

### Sections:

- 17.270.010 Intent
- 17.270.020 Permitted Uses
- 17.270.030 Conditional Uses
- 17.270.040 Uses Expressly Prohibited
- 17.270.050 Property Development Requirements

#### **17.270.010 Intent**

The Watershed District is included in the zoning regulations to preserve and protect lands providing the City’s water supply.

#### **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 site plan (see CBDC 17.320).

**17.270.030 Conditional Uses**

None.

**17.270.040 Uses Expressly Prohibited.**

All other uses.

**17.270.050 Property Development Requirements.**

The following property development standards shall apply to all land and structures in the Watershed District:

- A. Site Plan. Site plan review is required prior to the establishment or change of any structure which is accessible to the public in the Watershed District.
- B. Building Height. No building shall have a height greater than three stories, not to exceed 35 feet.
- C. Riparian Vegetation.
  - 1. Riparian vegetation surrounding Upper and Lower Pony Creek Reservoir is considered significant habitat in the comprehensive plan. Protect riparian habitat by leaving the existing vegetation undisturbed to its full width, if possible, but at least to a width of 50 feet measured horizontally from the shoreline. If there is less than 50 feet of vegetation, all of it shall be protected. The shoreline shall be the line of nonaquatic vegetation.
  - 2. Water access, road, and timber management activities may be permitted if they are part of a master plan for the watershed and forest management program, and if they comply with Oregon Forest Practice Rules.





## SECTION 3: LAND DIVISION AND DEVELOPMENT

### Chapters:

- 17.310 General Provisions**
- 17.312 Partitions**
- 17.315 Subdivisions**
- 17.317 Planned Unit Developments**
- 17.320 Site Plan Review**
- 17.322 Re-Plats and Property Line Adjustments**
- 17.325 Conditional Uses**
- 17.327 Nonconforming Uses**
- 17.330 Variances**
- 17.332 Temporary Use Permits**
- 17.335 Home Occupation**
- 17.337 Signs**
- 17.340 Off-Street Parking and Loading Requirements**
- 17.342 Annexation**
- 17.345 Vacation**
- 17.347 Flood Damage Prevention**
- 17.350 Legal Lot Determination**
- 17.352 Alterations of Final Plats and Partitions**
- 17.355 Telecommunication Facilities**
- 17.357 Change in Zoning Designation**
- 17.360 Mitigation of Adverse Impacts**
- 17.362 Supplementary Development Standards**
- 17.365 Manufactured Home Special Siting Standards**
- 17.367 Accessory Use or Building on a Separate Lot or Parcel**
- 17.370 Estuarine and Coastal Shoreline Uses and Activities**
- 17.372 Cultural Resources**



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## **Chapter 17.310 General Provisions**

### **Sections:**

- 17.310.010 Short title
- 17.310.020 Purposes
- 17.310.030 Plat, Partition, or Other Review Required
- 17.310.040 Agreements to Transfer Land After Preliminary Plat Approval
- 17.310.050 Divisions of Developed Land

### **17.310.010 Short Title**

Sections 17.310, 17.312 and 17.315 are known as the land division ordinance and may be cited as such.

### **17.310.020 Purposes**

The land division regulations are intended to fulfill the following purposes: To promote the effective use of land; To make adequate provision for the residential, commercial, and industrial needs of the City; To provide for the division of land in accordance with officially adopted plans, policies, and standards, including the zoning ordinance and related development regulations of the City; and To provide for the efficient processing of land division applications in an efficient and timely manner.

### **17.310.030 Plat, Partition, or Other Review Required**

All divisions of land shall comply with this title and other applicable City ordinances and regulations.

### **17.310.040 Agreements to Transfer Land After Preliminary Plat Approval**

Agreements to transfer land prior to final plat or partition are authorized; provided, that the performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat or partition approval is expressly conditioned on the recording of the final plat or partition containing the lot, tract, or parcel.

### **17.310.050 Divisions of Developed Land**

Divisions of developed land may be reviewed and approved the same as undeveloped land; provided, the review authority shall consider existing and approved development on the site which may be relevant to adjustments, modifications and variations of standards that otherwise apply if consistent



with this title or other applicable City regulation. For the purpose of this section, “developed land” means a lot, tract, or parcel upon which substantial development has taken place (e.g., framing inspection approval has been granted). Such construction shall be a permanent building or structure.



## **Chapter 17.312 Partitions**

### **Sections:**

- 17.312.005 Purpose
- 17.312.010 Pre-Application Review
- 17.312.020 Review Processes for Partitions
- 17.312.030 Preliminary Partitions Application Contents
- 17.312.040 Approval Criteria for a Preliminary Partition
- 17.312.050 Expiration and Extension of Preliminary Partition Approval

### **17.312.005 Purpose**

The purpose of this Chapter is to implement the policies of the applicable state statutes and the City of Coos Bay Comprehensive Plan. The regulations contained herein are intended to: Promote the effective use of land and infrastructure; Address the housing needs of the City; Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Development Code; and Provide for the efficient processing of partition applications without undue delay. A partition application shall be processed when no more than three (3) parcels are created from the original unit of land.

### **17.312.010 Pre-Application Review**

- A. A partition is subject to pre-application review as provided in CBDC 17.130.020.
- B. An applicant for pre-application review of a partition shall submit the requisite fee, a completed pre-application review form provided for that purpose by the City, and the information listed in CBDC 17.130.020.C.

### **17.312.020 Review Processes for Partitions**

- A. Technically complete review of a partition application is subject to CBDC 17.130.050.
- B. A technically complete application for a preliminary partition shall be subject to a Type II process. See CBDC 17.130.090.



- C. Appeal and post-decision review of decisions regarding partitions are permitted as provided in CBDC 17.130.130 and CBDC 17.130.150 respectively.

#### **17.312.030 Preliminary Partition Application Contents**

An applicant for a preliminary partition shall submit the requisite fee, a completed application review form provided for that purpose by the City, and three (3) paper copies and one (1) electronic copy of the following information:

- A. Partition name (if any);
- B. Contact information including the name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the partition.
- C. A preliminary partition at a scale of no more than one inch equals 100 feet, with north arrow, date, graphic scale, 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 one copy of the plan reduced to fit on an 8.5-inch by 11-inch page. The partition shall show the dimensions and areas of all proposed lots, tracts and dedications. The partition shall show the distance from proposed lot lines to the nearest existing structures on the site unless those structures will be removed.
- D. Proposed dedications of title, easements or other interests to the City or other agency, if applicable.
- 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. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
- G. A legal description of the property proposed to be divided.
- H. If a partition contains large lots which at some future time could be re-subdivided, the application shall include a master plan of all land under common ownership. At a minimum this



plan shall show the extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size.

- I. A copy of the pre-application conference summary, and a description of information submitted in response to the issues, comments and concerns in the summary.
- J. A written description of how the proposed preliminary partition does or can comply with each applicable approval criterion for the preliminary partition, and basic facts and other substantial evidence that supports the description.
- K. A typed list with the names and addresses of all property owners within a radius of 150 feet of the parent parcel according to the most recent property tax assessment roll. Print the owner names and addresses on mailing labels.
  - 1. Include an area map showing parcels within ¼ mile of the subject parcel.
  - 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, mail notice to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.
- L. An application for partition shall include all other applications necessary to approve the proposed partition, including but not limited to, applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to road standards.
- M. If applicable, preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions.
- N. Evidence that the applicant can provide potable water to each lot from a public water system, and that each lot will be connected to public sewer.

#### **17.312.040 Approval Criteria for a Preliminary Partition**

The review authority shall approve a preliminary partition if he or she finds:

- A. The applicant has sustained the burden of proving that the application complies with the applicable sections of this title to the extent relevant;



- B. That the application will comply with all applicable regulations by satisfying all adopted conditions of approval; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final partition is approved; and
- C. The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes.

#### **17.312.050 Expiration and Extension of Preliminary Partition Approval**

A decision approving a preliminary partition expires three (3) years from the effective date of approval and can be extended as provided in CBDC 17.130.140.



## Chapter 17.315 Subdivisions

### Sections:

- 17.315.005 Purpose
- 17.315.010 Pre-Application Review
- 17.315.020 Review Processes for Subdivisions
- 17.315.030 Preliminary Plat Application Contents
- 17.315.040 Approval Criteria for a Preliminary Plat
- 17.315.050 Expiration and Extension of Preliminary Plat Approval
- 17.315.060 Construction Prior to Final Plat Approval – Bonds
- 17.315.070 Improvement Plans

### 17.315.005 Purpose

The purpose of this Chapter is to implement the policies of the applicable state statutes and the City of Coos Bay Comprehensive Plan. The regulations contained herein are intended to: Promote the effective use of land and infrastructure; Make adequate provision for the housing needs of the City; Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of this title; and Provide for the efficient processing of subdivision applications without undue delay. A subdivision application shall be processed when subdividing into greater than three (3) lots.

### 17.315.010 Pre-Application Review

- A. A subdivision is subject to pre-application review.
- B. An applicant for pre-application review of a subdivision shall submit all information required under CBDC 17.130.020(C), pre-application review contents, and the following information:
  - 1. Subdivision name.
  - 2. The date that the application was prepared.
  - 3. The approximate acreage of the site and of each proposed lot and tract.
  - 4. Comprehensive plan and zoning designations for the site.



5. Existing and proposed land uses and structures on the site, and the proposed disposition of existing uses and structures.
6. A description of land title to or easements over which the applicant proposes to dedicate to the City and the purpose for such, if applicable.
7. A proposed preliminary subdivision plat at a scale of no more than one inch equals 100 feet, with north arrow, date, graphic scale, 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 one copy of the plat reduced to fit on an eight-and-one-half-inch by 11-inch ("8.5 x 11") page. The plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The plat shall show the distance from proposed property lines to the nearest existing structures on the site unless those structures will be removed.
8. Any other items or details the applicant believes would assist the staff in its review, such as proposed storm water plans, proposed utilities and their availability, geotechnical, wetland or other critical areas on or abutting the site, and a traffic impact study.

#### **17.315.020 Review Processes for Subdivisions**

- A. Technically complete review of a plat application is subject to a Type I process. See CBDC 17.130.080, Type I Procedures.
- B. After a preliminary subdivision application is deemed to be technically complete the review of the application for a preliminary plat approval is subject to a Type III process. See CBDC 17.130.100, Type III Procedures.

#### **17.315.030 Preliminary Plat Application Contents**

An applicant for a preliminary partition shall submit the requisite fee, a completed application review form provided for that purpose by the City, and three (3) paper copies and one (1) electronic copy of the following information:

- A. 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.



- B. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
- C. A legal description of the property proposed to be divided.
- D. If a subdivision contains large lots which at some future time could be re-subdivided, the application shall include a master plan of all land under common ownership. At a minimum this plan shall show the extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size.
- E. A copy of the pre-application conference summary, if the application was subject to pre-application review, and all information required to address issues, comments and concerns in the summary.
- F. A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that supports the description.
- G. The names and addresses of owners of land within a radius of 300 feet of the site. Print owner names and addresses on mailing labels.
  - 1. Include an area map showing parcels within ¼ mile of the subject parcel and
  - 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, mail notice to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.
- H. Applications necessarily associated with the preliminary plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the adopted Coos Bay road standards that are required to approve the preliminary plat application as proposed.
- I. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.
- J. A plan showing proposed phasing if the applicant proposes to develop the subdivision in phases.



#### **17.315.040 Approval Criteria for a Preliminary Plat**

- A. The review authority shall approve a preliminary plat if he or she finds:
  - 1. The applicant has sustained the burden of proving that the application complies with the applicable provisions of this title;
  - 2. The application will comply with all applicable regulations by satisfying all adopted conditions of approval; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final partition is approved; and
  - 3. The subdivision makes appropriate provision for potable water supplies and for disposal of sanitary wastes.
- B. If phases are proposed, the subdivision shall comply with the following:
  - 1. The plat identifies the boundaries of each phase and sequence of phases;
  - 2. Each phase includes any open space and other required public and/or private infrastructure;
  - 3. The sequence and timing of phases complies with applicable standards throughout the development of the subdivision; and
  - 4. The applicant completes or assures completion of public improvements consistent with CBDC 17.315.070, Improvement Plans.
- C. Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:
  - 1. The flag pole shall provide an all-weather surface with an unobstructed vertical clearance of at least 13 feet 6 inches. The improved surface shall be at least twenty (20) feet wide and be marked and signed as a fire lane.
  - 2. The pole portion of the flag lot does not count toward the minimum lot size.
  - 3. If the length of the flagpole is more than one hundred fifty (150) feet, the applicant shall provide a turn-around at the end of the driveway in conformance with the current adopted edition of the International Fire Code, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.



4. Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the applicable City engineering standards shall apply.

#### **17.315.050 Expiration and Extension of Preliminary Plat Approval**

- A. Approval of a preliminary plat expires three (3) years from the effective date of the decision approving it unless, within that time, an applicant files an application for an extension.
- B. An application for extension of a preliminary plat approval for a subdivision or for remaining phases of a subdivision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the City, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.
- C. The review authority may approve a single one-year extension of a preliminary plat approval if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the preliminary plat can comply with the law in effect on the date the application for the extension was filed by complying with certain additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

#### **17.315.060 Construction Prior to Final Plat Approval – Bonds**

- A. In lieu of the completion of any required public improvements prior to approval of a final plat, the City may accept a bond, in an amount of at least one-hundred and twenty five percent (125%) of the estimated cost of construction of the public improvements in question, as certified by a professional engineer and accepted by the Director of Public Works, and with surety and conditions satisfactory to the engineer, or other secure method as the engineer may require, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the engineer, and specified in the bond or other agreement; and to be enforced by the engineer by appropriate legal and equitable remedies.
- B. Construction shall not start prior the Public Works Department signing and approving both the construction plans and the final plat survey computations; except that rough grading operations may proceed before the plans are approved by the engineer under the following conditions:
  1. The grading plan is submitted separately, along with an application for the grading permit.
  2. The grading plan is in conformance with the approved preliminary plat.



3. The grading plan, if applicable, will not be in substantial conflict with the street profiles and drainage structure plans.
4. The grading permit, if applicable, is issued.

#### **17.315.070 Improvement Plans**

Where improvements are required, plans for such improvements shall be submitted to the Public Works Director. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute. The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of City ordinances pertaining to streets, roads and utilities, and any other applicable City ordinances, and in addition to the above certification shall contain the following:

- A. Subdivision name;
- B. Name, mailing address, and telephone number of engineer preparing the plan; and
- C. Date (month and year).



## Chapter 17.317 Planned Unit Development

### Sections:

- 17.317.010 General
- 17.317.020 Preliminary Plat Application Contents
- 17.317.030 Approval Criteria for a Preliminary Plat
- 17.317.040 Property Development Requirements
- 17.317.050 Expiration and Extension of Preliminary Plat Approval
- 17.317.060 Construction Prior to Final Plat Approval – Bonds
- 17.317.070 Improvement Plans

### 17.317.010 General

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.

### 17.317.020 Preliminary PUD Application Contents

An applicant for a preliminary partition shall submit the materials required for subdivision required by CBDC 17.315.030, Preliminary Plat Application Contents.

### 17.317.030 Approval Criteria for a Preliminary PUD

The review authority shall evaluate a preliminary PUD against the approval in CBDC 17.315.040, Approval Criteria for a Preliminary Plat, and the requirements of this chapter.



#### **17.317.040 Property Development Requirements**

- A. Minimum Area. The minimum gross area of a PUD is two (2) acres.
- B. 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 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.
- C. Density. The density of a PUD shall not be more or less than 10% of the overall density permitted by the underlying zoning district.
- D. Access and Roads.
  - 1. The development shall provide vehicular and pedestrian access from a dedicated and improved street.
  - 2. Private streets within the development shall meet the following minimum paving standards:
    - a. Eighteen (18) feet where no on-street parking is allowed.
    - b. Twenty-eight (28) feet where on-street parking is allowed only on one side of the right-of-way.
    - c. Thirty-six (36) feet where parking is permitted on both sides of the right-of-way.
    - d. All private streets within a PUD shall be designed and constructed to City standards.
    - e. An additional three (3) feet on each side of pavement shall be designated as right-of-way area in which no construction shall take place.
    - f. 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.



E. Services.

1. 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.
2. Lighting. All roads within the planned unit development shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

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

1. Minimum Area. A PUD shall provide not less than forty percent (40%) 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.
2. Plan. The plan shall contain the following:
  - a. The boundaries of the proposed area;
  - b. A written explanation of the purpose of the area and a description of any improvements to be made; and
  - c. A description of the manner in which the area will be perpetuated, maintained, and administered.
3. 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.

G. Off-Street Parking and Loading. The provisions of CBDC 17.340 shall apply.

H. Signs. The provisions of CBDC 17.337 shall apply.

**17.317.050 Expiration and Extension of Preliminary PUD Approval**

A PUD is subject to CBDC 17.315.050, Expiration and Extension of Preliminary Plat Approval.



#### **17.317.060 Construction Prior to Final Plat Approval – Bonds**

A PUD is subject to CBDC 17.315.060, Construction Prior to Final Plat Approval – Bonds.

#### **17.317.070 Improvement Plans**

A PUD is subject to CBDC 17.315.070, Improvement Plans.



## Chapter 17.320 Site Plan Review

### Sections:

- 17.320.010 Purpose
- 17.320.020 Applicability
- 17.320.030 Exemptions
- 17.320.040 Site Plan Review Types and Procedures
- 17.320.050 Submittal Requirements
- 17.320.060 Criteria for Site Plan Approval
- 17.320.070 Appeal
- 17.320.080 Final Site Plan Approval
- 17.320.090 Modifications to Approved Site Plan
- 17.320.100 Compliance Required and Expiration
- 17.320.110 Completion Prior to Occupancy

### 17.320.010 Purpose

The purpose of site plan approval is to ensure compatibility between new developments, existing uses, and future developments in a manner consistent with the goals and objectives of the comprehensive plan. Site plan approval is required to promote developments that are harmonious with their surroundings, to maintain a high quality of life for area residents, to ensure that new developments are planned and designed to protect privacy, to determine appropriate lighting and noise mitigation measures, and to ensure adequate and safe access.

### 17.320.020 Applicability

The provisions of this chapter shall apply to all changes of use, new construction and expansion or alteration of any use unless expressly exempted by this title. 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 this title. Applications for Site Plan Review are subject to CBDC 17.130.020, Pre-application Review.



### **17.320.030 Exemptions**

The following are exempt from the site plan review:

- A. Single-family detached and duplex residential dwellings not occurring in an MDR zoning district;
- B. Modifications to the interior of an existing structure that does not change the use or the intensity of a use;
- C. Subdivisions or partitions;
- D. The installation or replacement of underground utilities; and
- E. Other development the Director determines to be exempt because it does not result in an appreciable increase in land use activity and intensity and does not create an additional significant adverse impacts.

### **17.320.040 Site Plan Review Types and Procedures**

- A. Site plan reviews are classified and processed as follows:
  - 1. Permit Reviews. These site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses and do not have a substantial impact on the natural and built environment. The following are classified as Type II site plan reviews:
    - a. Changes in use of an existing structure or site;
    - b. New construction or expansions of existing construction which do not exceed:
      - (i) Four thousand (4,000) square feet of additional floor area;
      - (ii) Twenty (20) new parking spaces; and
      - (iii) Four (4) new multifamily residential units.
  - 2. Development Reviews. Any site plan review not listed as a Type II review in CBDC 17.320.040(A) (1) is classified as Type III site plan review.



- B. If a site plan review is part of an overall application that is subject to a higher review process, e.g. conditional use, the City shall review all applications at the higher level of review.

#### **17.320.050 Submittal Requirements**

- A. For a Type II site plan review application, the applicant shall submit the information required for a Type II application as set forth in CBDC 17.130.050, Technically Complete Application, and the following:
  - 1. A site plan meeting the standards of CBDC 17.320;
  - 2. 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;
  - 3. Current list of names and addresses of all property owners within a one-hundred and fifty-(150) foot radius as shown upon the Coos County assessor's records. The list shall be no older than ninety (90) days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or title company. This list shall also be provided on self-adhesive mailing labels;
  - 4. A landscaping plan meeting the standards of CBDC 17.362.020, Supplemental Standards, Landscaping; and
  - 5. A lighting plan meeting the standards of CBDC 17.362.040, Supplemental Standards, Lighting.
- B. For Type III site plan review applications, the applicant shall submit the information required for a Type III application in CBDC 17.130.050, Technically Complete Application, and the following:
  - 1. 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.
  - 2. Current list of names and addresses of all property owners within a (300) three-hundred-foot radius as shown upon the Coos County assessor's records. The list shall be no older than ninety (90) days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or title company. This list shall also be provided on



self-adhesive mailing labels and shall include an area map showing parcels within ¼ mile of the subject parcel shall be included.

3. Existing conditions plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen inch copy. The existing conditions plan shall at a minimum indicate the following:
  - a. Vicinity map showing location of subject site within the City of Coos Bay and the surrounding existing street system;
  - b. Property boundaries, dimensions and size of the subject site;
  - c. Graphic scale of the drawing and the direction of true north;
  - d. Zoning and uses of subject site and of properties within one hundred (100) feet of the subject site;
  - e. Current structural or landscaped setbacks,
  - f. Location of on-site driveways and access points and within one hundred (100) feet of the subject site;
  - g. Location of existing on-site structures and the approximate location of existing structures within one hundred (100) feet of the site;
  - h. Location of existing aboveground electrical, telephone or utility poles and traffic control poles;
  - i. Location of existing fire hydrants;
  - j. Location of existing structures within one hundred (100) feet of the site;
  - k. Location, centerline and dimensions of existing public rights-of-way and easements on-site and within one hundred (100) feet of the site;
  - l. Location, centerline and dimensions of existing private streets on-site and within one hundred (100) feet of the site; and
  - m. Approximate on-site slopes and grades within one hundred (100) feet of the site.



4. Site plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen copy. The site plan shall at a minimum indicate the following:
  - a. Property boundaries, dimensions and size of the subject site;
  - b. Location, dimensions and height of proposed buildings;
  - c. Location of building accesses;
  - d. Proposed building and landscape setbacks;
  - e. Proposed project-phasing boundaries, if applicable;
  - f. Legend indicating total site area, the total square footage of proposed building or structures including percentage of total site area, the total square footage amount of impervious area square footage including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, 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.
  - g. Location of proposed access points including vehicular driveways and designated pedestrian access points including the proposed depth of the vehicular driveway throats;
  - h. 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;
  - i. 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;



- j. 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;
  - k. Location, centerline and dimensions of proposed on-site public or private streets and public and private easements;
  - l. Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation;
  - m. 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
  - n. Specialized site treatments including but not limited to pedestrian plazas, heavy duty paving, concrete score patterns, bicycle parking and outdoor seating areas.
- 5. 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.
  - 6. Landscape plan indicating the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. 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.
  - 7. Architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions and structural heights.
  - 8. Lighting plan indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted).
  - 9. Legal description for the parcel(s) in question.



10. Most recent conveyance document (deed) showing current ownership.
11. Traffic study if applicable.
12. Sign plan(s) (if applicable).
13. Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed.

#### **17.320.060 Criteria for Site Plan Approval**

- A. It is the responsibility of the Director or designee to review each plan for compliance with the applicable provisions of this chapter and any other applicable regulations.
- B. The City shall not approve an application for site plan review unless the Director finds that the proposed plan meets all applicable provisions of this subsection. Failure to meet one or more the requirements of this subsection and other applicable CBDC regulations is grounds for denial. The applicant shall demonstrate compliance with all of the following criteria:
  1. The proposed use is permitted within the district in which it is located;
  2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located;
  3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in CBDC 17.362, Supplemental Development Standards;
  4. Minimum parking and loading space requirements are met, as required by CBDC 17.340, Off Street Parking and Loading Requirements;
  5. All applicable criteria of this title;
  6. Improvement requirements are provided in accordance with the applicable sections of the Coos Bay development code;
  7. All conditions of any applicable previous approvals, e.g. conditional use, have been met;
  8. Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication;



9. Public water, sewer and stormwater lines have been installed in conformance with the standards of the City code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the Public Works Department that such extensions are impractical or infeasible or inappropriate; and
10. Proposed phasing plans do not exceed six (6) years and all required public infrastructure is installed in the first phase of the development.

#### **17.320.070 Appeals**

Appeals of decisions on site plans shall be made and processed pursuant to CBDC 17.130.130, Appeal.

#### **17.320.080 Final Site Plan Approval**

Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans, the Director may require that the applicant submit for final site plan approval to determine if the revised plans comply with the conditions of site plan approval. Final site plans are considered Type I applications.

#### **17.320.090 Modifications to Approved Site Plan**

An approved site plan may not be modified or amended except after reapplication for site plan review and subsequent approval. Minor modifications may be completed through a Type I process if the increase in density or intensity of use is 10% less of the approved density and intensity of use and the proposed modification will not have a significant adverse effect on adjacent properties or public facilities. All other modifications shall be processed through a Type II approval process.

#### **17.320.100 Compliance Required and Expiration**

- A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent City approval.
- B. Site plan approvals shall be valid for two (2) years from the date of issuance, during which time substantial development of the project improvements shall have occurred. The Director may approve up to two (2) one-year extensions if:
  1. There have not been any substantial changes in the laws governing the development of the site, with which lack of compliance would be contrary to the changed laws; and



2. The applicant has pursued development in good faith. Good faith shall be evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

#### **17.320.110 Completion Prior to Occupancy**

All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval; provided, that completion and occupancy may be accomplished in phases if approved by the Director as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval of a site plan to secure applicant's obligation to complete the provisions and conditions of the approved site plan.



## **Chapter 17.322 Replats and Property Line Adjustments**

### **Sections:**

17.332.010 Re-platting and Vacation of Plats

17.322.020 Property Line Adjustments

### **17.322.010 Re-platting and Vacation of Plats**

The act of re-platting shall allow the reconfiguration of lots or parcels and public easements within a recorded plat.

- A. Re-plats serve to vacate the platted lots, parcels or easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
- B. A re-plat shall not serve to vacate any dedicated public street or road. The re-plat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.
- C. When a utility easement is proposed to be realigned, reduced in width or omitted by a re-plat, all affected utility companies or public agencies shall be notified consistent with CBDC 17.130.120, Notice. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.
- D. If the proposed action re-plats all of an undeveloped subdivision, a hearing before the review authority is required to determine whether the undeveloped subdivision should be revised and the subdivision re-platted or vacated and all lands within the subdivision that have been dedicated for public use vacated. The Director shall notify each owner of record of lands described in the plat under review not later than 30 days before the date of the hearing in conformance with CBDC 17.130.120, Type III Notice.

A subdivision is considered to be “developed” if any of the following apply:

- 1. Roadways providing access into and travel within the subdivision have been or are being constructed to meet specifications approved by the City;



2. Facilities to provide water or sewer to the lots created by the subdivision have been or are being constructed;
  3. Buildings have been or are being constructed or permits have been issued for the construction of buildings upon the land; and
  4. One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of this review.
- E. Any plat or portion thereof may be re-platted upon receiving an application signed by all the owners as appearing on the deed. All applications for a re-plat shall be processed in accordance with the procedures and standards for a partition, CBDC 17.312, or a subdivision, CBDC 17.317. The re-plat must comply with all applicable ordinances and regulations of the City.

#### **17.322.020 Property Line Adjustments**

A property line adjustment means the relocation or elimination of a common property line between abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with this title.

- A. Application. Prior to filing an application, the Department shall conduct a pre-application conference with the prospective applicant. If multiple property line adjustments are proposed, a re-plat or partial re-plat of the subdivision may be required.
1. The application form must be signed by the owner(s) of record of the real property addressed in the application and the appropriate fee paid. An application form may also be signed by the duly authorized representative of the owner of record.
  2. A site plan, drawn to scale, shall include the following information:
    - a. The existing and proposed property boundaries and dimensions;
    - b. The footprint of existing structures on the affected properties along with the dimensions, uses, and number of stories for each structure;
    - c. Location and dimensions of driveways and public and private streets within or abutting the subject properties;
    - d. Location and purpose of easements, if applicable; and



- e. A copy of the deed for the properties involved and any covenants, conditions, and restrictions applicable to the subject property.
  - 3. The Director shall determine whether property line adjustments is reviewed as a Type I or Type II review or be referred to the Planning Commission.
  - 4. A property line adjustment shall not be in violation of any applicable City or State regulations.
- B. Survey Required. An adjusted property line created by the relocation of a common boundary must be surveyed in accordance with ORS 92.060. This requirement does not apply for the following:
- 1. Property transferred by a public agency or public body or excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, City streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the City. The applicant shall record an amended deed with Coos County.
  - 2. When the adjusted lots or parcels are each greater than 10 acres.
- C. Multiple Line Adjustments. When a series of property line adjustments are proposed, each of the property line adjustments must be approved separately and implemented (deed recorded) before proceeding to seek approval for any additional property line adjustment needed to achieve the desired configuration.
- D. Deed. Upon approval of a property line adjustment, a property line adjustment deed must be recorded. A copy of the deed must be provided to the Department. At a minimum, the property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents, the survey reference number and signatures of all parties with proper acknowledgement. If the deed is not filed and a copy provided to the Department within six (6) months of approval, the decision of the Department shall be null and void.



## Chapter 17.325 Conditional Uses

### Sections:

- 17.325.010 Pre-Application Review
- 17.325.020 Review Processes
- 17.325.030 Application Contents
- 17.325.040 Criteria for Approval, Minor Modifications and Revocation
- 17.325.050 Transfer Prohibited

### 17.325.010 Pre-Application Review

- A. Applications for conditional use permit or modification of a conditional use permit are subject to pre-application review consistent with CBDC 17.130.020, Pre-Application. Pre-application review is not required for an exempt or minor modification to or extension of a conditional use permit.
- B. An applicant for pre-application review of a conditional use permit shall submit the information required by CBDC 17.130.020.C, Pre-Application Contents.

### 17.325.020 Review Processes

- A. Review of a technically complete application for conditional use permit is subject to a Type III process. See CBDC 17.130.100, Type III review.
- B. Review of a technically complete application for a minor modification, alteration or expansion of a previously approved conditional use permit is subject to:
  - 1. The review process set out in the decision approving the existing conditional use, if any; or
  - 2. A Type II process consistent with CBDC 17.130.090.
- C. Revocation of an approved conditional use permit is subject to a Type III process. Revocation shall be initiated by the Director by scheduling a hearing and issuing the required notice. Revocation shall not be the exclusive remedy for violation.



### **17.325.030 Application Contents**

An applicant for a conditional use permit shall submit the requisite fee and the information required in CBDC 17.130.040, Application Contents, and other information the Director determines necessary to review the application.

### **17.325.040 Criteria for Approval, Minor Modifications and Revocation**

- A. The Planning Commission shall approve or approve with conditions an application for conditional use permit if it finds the applicant has sustained the burden of proving that:
  - 1. The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;
  - 2. All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;
  - 3. The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title; and
  - 4. The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.
- B. The Planning Commission may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:
  - 1. Increased setbacks, lot size or yard dimensions;
  - 2. Additional design features necessary to minimize impacts such as noise, vibration, air pollution, glare, odor and dust;
  - 3. Restrictions on the location, number and design of vehicular access points to the property;
  - 4. Additional off-street parking or loading spaces;



5. Limits on the number, size, location, height and lighting of signs;
  6. Limits on building height, coverage or location;
  7. Restrictions on the hours, days, place and manner of operations;
  8. Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;
  9. Limits on the location and intensity of outdoor lighting;
  10. Requiring certain berming, screening, landscaping and/or fencing; and
  11. Requirements under which any future enlargement or alteration of the use shall be reviewed by the City and new conditions imposed.
- C. The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:
1. The modification, alteration or expansion will result in less than a 20 percent (20%) cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;
  2. The existing use is in compliance with all conditions of approval of the original permit; and
  3. The proposed modification, alteration or expansion is not expressly prohibited by the zone or the conditional use permit issued for the existing use.
- D. The Planning Commission may revoke or amend a conditional use permit pursuant to a Type III process if it finds:
1. The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use permit or other applicable standards of this title; and
  2. The applicant has failed to remedy the alleged violation within a reasonable time required by the community development department or within 60 calendar days after the City mails notice of such alleged violations to the operator of the conditional use or owner of the property, whichever is first.



### **17.325.050 Transfer Prohibited**

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.



## **Chapter 17.327 Nonconforming Uses**

### **Sections:**

- 17.327.010 Nonconforming Uses and Development Generally
- 17.327.020 Discontinuance, Destruction, Expansion and Changes
- 17.327.030 Nonconforming Development

### **17.327.010 Nonconforming Uses and Development Generally**

- A. Establishment of Nonconforming Status. Legally established nonconforming uses and development may be continued and maintained without City review and approval. A nonconforming use or development may be altered or expanded subject to the provisions of this chapter and other applicable sections of the CBDC.
- B. The proponent of a nonconforming use or development shall bear the burden of establishing that the use or development was legally established and to what extent at the time the use or development became nonconforming.
- C. Ownership. Changes in ownership of a nonconforming use or development are exempt from City review or approval.
- D. Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued, and construction commenced prior to the adoption of the regulation that would make such use or structure nonconforming.
- E. This chapter does not apply to existing single-family dwellings in the commercial and industrial districts; provided any addition, improvement or reconstruction thereto shall comply with the standards of the residential districts.

### **17.327.020 Discontinuance, Destruction, Expansion and Changes**

- A. Discontinuance. A nonconforming use not actively used for a period of twelve (12) months shall be deemed discontinued. A discontinued nonconforming use cannot be revived, and any further uses of the property must conform to the provisions of this title as provided for above.



1. Periods of reduced operation caused by normal fluctuations in business demand are not discontinuances; provided that periods of reduced operation in excess of two (2) years shall have the effect of discontinuance.
  2. Rights to continue a nonconforming use or development expire if a structure containing a nonconforming use or a nonconforming development is destroyed by any cause to an extent exceeding seventy-five percent (75%) of the cost of replacement of the structure, using new materials. After such destruction, development or use of the property shall comply with the regulations applicable of the zoning district.
- B. Expansion. Expansion of a nonconforming use or development shall be subject to the same standards and procedure as for a change in the nonconforming use or development as provided in subsection (C) of this section.
- C. Changes.
1. A nonconforming use or development may be changed to a conforming use or development in whole or in part. Once a nonconforming use or development becomes conforming, in whole or in part, the nonconforming rights are lost and the nonconformity may not be re-established.
  2. A nonconforming use may be changed to another nonconforming use through a Type II procedure, provided the applicant demonstrates that the proposed use will have no greater adverse impacts on surrounding properties than the existing use; adverse effects include, but are not limited to, generate of more traffic, noise, dust or fumes, or increase hours of operation.

#### **17.327.030 Nonconforming Development**

Development which is nonconforming with respect to height, yard requirements, lot coverage, screening and buffering or density may be utilized by a use which is permitted in the district in which it occurs. The development may be repaired, modified, or altered, internally or externally; provided, such repairs and modifications do not increase the nonconformance of the development and comply with the International Building Code standards, or are required by building, health, fire or other applicable standards to make a structure safe for occupancy.



## Chapter 17.330 Variances

### Sections:

- 17.330.010 Pre-Application Review
- 17.330.020 Review Process
- 17.330.030 Application Contents
- 17.330.040 Approval Criteria
- 17.330.050 Expiration and Extension

### 17.330.010 Pre-application Review

An application for one or more variances subject to Type I or Type II review is not subject to pre-application review, unless filed concurrent with an application that is subject to pre-application review.

### 17.330.020 Review Process

- A. Review of a technically complete application for variance of up to 10 percent (10%) of the numerical standards for the following: setbacks, buffers, building heights, landscaping, lot coverage and lot dimensions, lot area or density, is subject to a Type I process, CBDC 17.130.080.
- B. Review of a technically complete application for all other variances greater than 10 percent (10%) are subject to a Type II process, CBDC 17.130.090.
- C. An application for a variance(s) necessarily associated with another application(s) subject to this title shall be combined with the associated application(s) for processing and review. The variance application shall be subject to the highest number review procedure applicable to the combined applications.
- D. If an application for a variance(s) is approved and an application(s) subject to an equal or higher number review procedure type is subsequently filed, the decision approving the variance may be altered for good cause by the decision on the merits of the subsequent application(s).
- E. An application for a variance(s) proposed as a post-decision action shall be subject to the post-decision review procedures of CBDC 17.130.150.



### **17.330.030 Application Contents**

An applicant for a variance(s) shall submit the requisite fee and the information required by CBDC 17.130.040, except as otherwise provided therein.

### **17.330.040 Approval Criteria**

The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared.

- A. The variance is the minimum variance necessary to make reasonable use of the property. To make this determination, the following factors may be considered, together with any other relevant facts or circumstances:
  - 1. Whether the development is similar in size, intensity and type to developments on other properties in the City that have the same zoning designation;
  - 2. Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources; and.
  - 3. The potential for economic development of the subject property.
- B. The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified.
- C. The need for the variance was not created by the applicant and/or owner requesting the variance.
- D. If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone.

### **17.330.050 Expiration and Extension**

A decision approving a variance expires and can be extended as provided in CBDC 17.130.140.



## **Chapter 17.332 Temporary Use Permit**

### **Sections:**

- 17.332.010 Pre-Application Review
- 17.332.020 Review Process
- 17.332.030 Application Contents
- 17.332.040 Approval Criteria
- 17.332.050 Expiration and Extension
- 17.332.060 Limitation on New Application

### **17.332.010 Pre-application Review**

An application for a temporary use permit is not subject to pre-application review, unless included with an application that is subject to pre-application review.

### **17.332.020 Review Process**

- A. Review of a technically complete application for a temporary use permit for a use that will exist not more than 60 days is subject to a Type I process, CBDC 17.130.080.
- B. Review of a technically complete application for a temporary use permit for a use that will exist for more than 60 calendar days is subject to a Type II process CBDC 17.130.090.

### **17.332.030 Application Contents**

An applicant for a temporary use permit shall submit the requisite fee and three (3) paper and one (1) electronic copy of the information required by CBDC 17.130.040 and other information the Director determines necessary to review the application.

### **17.332.040 Approval Criteria**

- A. The review authority shall approve or approve with conditions an application for a temporary use permit in any zone if he or she finds the applicant has sustained the burden of proving that:
  - 1. The use is of a temporary nature, limited to a structure which can be readily dismantled and removed from the site within 48 hours of cessation of the use or activity, or converted to a permitted use in the zoning district;



2. The use will cease and/or the structure will be removed or converted to a permitted use within six (6) months; and
  3. Establishment and operation of the temporary use will not be materially detrimental to the public health, safety, convenience, and general welfare.
- B. The review authority may impose conditions of approval deemed necessary to ensure the proposed temporary use complies with the foregoing approval criteria.

**17.332.050 Expiration and Extension**

- A. A temporary use permit shall automatically expire on the date specified in the approval.
- B. A temporary use permit approved through a Type I process may be extended for up to an additional 60 calendar days through a Type I process.
- C. A temporary use permit approved through a Type II process may be extended for up to an additional three (3) calendar months through a Type I process, provided the duration of the temporary use permit may not exceed one calendar year.

**17.332.060 Limitation on New Application**

- A. Where a temporary use permit was approved for a particular property through a Type I process, no new applications for a temporary use permit may be approved for the same property for six (6) calendar months after the prior permit or extension expired.
- B. Where a temporary use permit was approved for a particular property through a Type II process, no new applications for a temporary use permit may be approved for the same property for one calendar year after the prior permit or extension expired.



## Chapter 17.335 Home Occupation

### Sections:

- 17.335.010 General
- 17.335.020 Approval Criteria
- 17.335.030 Licensing
- 17.335.040 Revocation

### 17.335.010 General

- A. The purpose of this chapter is to promote opportunities for small-scale economic development and to assure that home occupations do not infringe upon the rights of other residents or alter the residential character of the area.
- B. All home occupations applications are subject to review and approval of a special permit.

The Director shall review and may approve a home occupation permit; provided, that the applicant satisfies all applicable requirements of this title and chapter. An applicant or aggrieved person may appeal a decision to the Planning Commission consistent with CBDC 17.130.130, Appeals

### 17.335.020 Approval Criteria

- A. Employees. One non-resident associate or employee is allowed to work on the premises.
- B. Area. The use shall not occupy more than thirty percent (30%) of the existing building coverage of the property.
- C. Structure:
  - 1. The proposed use shall not change the character and use of the residence and premises, including elements such as, colors, materials, design, construction, lighting, landscaping, or lack of landscaping.
  - 2. The proposed use shall not remodel or structurally alter the interior or exterior of the structure which changes the residential use and appearance of the dwelling.



D. Equipment and Storage:

1. No material or mechanical equipment shall be used that will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, smoke, odor, interference with radio or television reception, or other factors.
2. Outside storage of equipment, products, or materials used in or serviced by the home occupation, other than plant materials, are prohibited.

E. Deliveries. No materials or commodities shall be delivered to or from the property which are of bulk or quantity to require delivery by a commercial vehicle or trailer, except such vehicles as a UPS, postal service truck, or similar vehicle.

F. Traffic and Parking. Vehicles associated with the home occupation shall not cause a disturbance or inconvenience to nearby residents.

G. Signs. Only one non-illuminated sign shall be permitted. The sign shall not exceed four (4) square feet and shall bear only the name and/or occupation of the resident.

**17.335.030 Licensing**

Home occupation uses shall apply for and maintain a current Coos bay business license. Failure to hold a current business license may be grounds for revocation of the home occupation permit.

**17.335.040 Revocation**

The Planning Commission, though a Type III procedure, may revoke an approved home occupation permit if it finds the use violates one or more provisions of CBDC 17.335.020 or other applicable provisions of this title.



## Chapter 17.337 Signs

### Sections:

- 17.337.010 Purpose
- 17.337.020 General Provisions
- 17.337.030 Signs Allowed without Permit
- 17.337.040 Prohibited Signs
- 17.337.050 Special Signs
- 17.337.060 Standards – Residential Zoning Districts
- 17.337.070 Standards – Commercial and Industrial Zoning Districts
- 17.337.080 Standards – Professional Districts
- 17.337.090 Standards – Quasi-Public Districts

### 17.337.010 Purpose

The provisions of this chapter are intended to: Improve the effectiveness of signs in identifying and advertising businesses; Prevent signs from detracting from the enjoyment and pleasure of the City's natural beauty; Provide uniform sign standards and fair and equal treatment of sign users; Protect public safety by ensuring that official traffic regulating devices are easily visible; Ensure the safe construction, erection, and maintenance of outdoor signs; and Comply with state and federal constitutional requirements relating to speech.

### 17.337.020 General Provisions

- A. General Location of Signs. No sign allowed by this title shall be placed so that it is supported within a public right-of-way, unless this title specifies otherwise. Some signs may project over rights-of-way, subject to the standards for that type of sign or for the underlying zoning district.
- B. Permits.
  - 1. Sign permits are required before the installation of all signs except those exempted in CBDC 17.337.030. Permits may be issued to the sign contractor or to the owner of the business or property.
  - 2. Applications for sign permits shall contain at least the following information:



- a. Name and address of the applicant;
  - b. Location of the property on which the sign is to be erected, and the amount of lot and building frontages;
  - c. Dimensions of the sign and its height above grade;
  - d. A sketch showing the location of all existing and proposed signs on the premises;
  - e. A sketch or description of the advertising copy on the proposed sign; and.
  - f. If applicable, a drawing showing clearly the structural elements.
- C. Installation and Maintenance. The installation of all signs shall be in compliance with the appropriate chapter of the State Structural Specialty Code in effect. No signs shall be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape required by code. All signs shall be maintained in a safe, complete, and neat condition.
- D. For the purpose of this chapter, the zoning designations are as follows:
1. Residential: (LDR-6), (LDR-8.5) and (MDR-16)
  2. Medical Park (MP).
  3. Commercial: Commercial (C-1) and Mixed-Use (MX).
  4. Industrial: Industrial/Commercial (I-C), Waterfront Industrial (W-I) and Waterfront Heritage (WH).
  5. Urban Public (UP).
- E. Applicability of Chapter. Murals are not considered signs.

#### **17.337.030 Signs Allowed without Permit**

- A. Public Signs. Signs of a public, non-commercial nature which shall include traffic control signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest, and all signs erected by a public employee in the performance of public duty.
- B. Memorial Signs or Tablets. Non-illuminated memorial signs or tablets indicating the name of a building and/or the date of erection. Exempted signs shall not exceed five (5) feet in area.



- C. Private Traffic Direction Signs. Signs guiding vehicular and pedestrian traffic on private property. Exempt signs shall be less than three (3) square feet, shall not be placed within a public right-of-way, except by right-of-way use permit, and shall contain no advertising copy.
- D. Name Plates. Non-illuminated, single-faced, wall-mounted name plates indicating only the name, address, and occupation of the occupant. Exempt signs shall not exceed one name plate per dwelling unit or business, no larger than two (2) square feet, nor a combined area of six (6) square feet for multiple businesses or units.
- E. Construction Signs. Signs identifying the architect, engineer, contractor, or other firm involved with building construction, and naming the building or its purpose, and the expected completion date. Only one sign per street frontage shall be allowed not to exceed 12 square feet in residential zones, 24 square feet in professional zones, or 32 square feet in all other zones. If there is only one street frontage, more than one sign may be allowed provided the total sign area does not exceed the maximum specified above. These signs shall be removed within 14 days after the building receives a final occupancy permit.
- F. Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. Signs are limited to one double-faced sign per property not to exceed six square feet in residential zones, 24 square feet in professional zones, or 32 square feet in all other zones. A real estate sign advertising a development of multiple properties, such as a subdivision or industrial park, shall not exceed one square foot per lot, with a maximum size of 32 square feet in total area. For multiple properties, one sign of the maximum size may be allowed on each street frontage; provided, that the signs are 400 feet apart measured along the frontage.
- G. Vehicle Signs. Signs painted on or permanently affixed to lawfully parked and operable motor vehicles or trailers.
- H. Window Signs. Signs affixed to or painted on the inside or outside of windows and visible from the exterior of a structure.
- I. Political campaign signs.
- J. Special Event Signs. Signs or outdoor displays of a temporary nature advertising or promoting a specific event, seasonal or holiday decoration or display. These signs may contain or consist of banners, posters, pennants, ribbons, streamers, flags or other similar moving devices.



- K. Attraction Devices. Devices, designs, or symbols which may consist of banners, windsocks, posters, pennants, ribbons, streamers, or other similar non-automated, non-electronic, or non-illuminated moving devices. These devices may not encroach upon a public right-of-way if they are a hazard to pedestrian or vehicular traffic. See also CBDC 17.337.040(4) for prohibitions regarding attraction devices.
- L. National, State, or City Flags. These signs shall be maintained in a manner which befits the respect due to the entities they represent.
- M. Wall-Mounted Signs. These signs shall be exempted in commercial and industrial zones.
- N. Sign Maintenance or Changing Copy. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made; changing advertising copy on a billboard, on a reader board, or on a permitted sign if that sign belongs to the same owner or advertises the same business.

#### **17.337.040 Prohibited Signs**

- A. Obscene or Indecent Signs. Any visual representation or verbal description of sexual conduct, sexual excitement, sado-masochistic abuse, or excretory functions or products, as further defined in ORS 167.060 et seq.
- B. Signs Interfering with Traffic. Signs or other devices in any location which, because of position, shape, color, or animation, may interfere with, obstruct or be confused with any authorized traffic sign or highway identification sign; or which use words, "stop," "look," "danger," or other words, phrases, symbols, characters, or animation which would interfere with, mislead, distract, or confuse vehicle operators; and signs located at the intersection of streets or driveways which substantially obstruct clear vision of vehicle operators.
- C. Defunct Businesses. Signs which advertise an activity, business, product or services no longer on the premises, including all related off-premises signs.
- D. Attraction Devices. Strings, groupings, or clusters of pennants and pinwheels shall not be permitted in the central commercial, professional, quasi-public or residential zones.

#### **17.337.050 Special Signs**

Special signs require a permit and shall conform to the maintenance and safety requirements of CBDC 17.337.020 and to requirements of the underlying zone.



- A. Street Banners. Banners erected over authorized public rights-of-way which advertise events or entertainment of community interest under the sponsorship of a nonprofit organization may only be erected in places and in a fashion authorized by the Department for a maximum of 14 days. A longer period of time may be allowed if no other organization reserves the installation.
- B. Portable Signs. Signs containing advertising copy which are not permanently affixed to a building, structure, or the ground and are designed to be moved, such as sandwich boards and signs on wheels, except political campaign and real estate signs. One portable sign per business with a maximum of two faces and 10 square feet or less per face is allowed and shall not be charged to the property's allowable sign area. Any excess size over 10 square feet shall be charged as shall additional portable signs. Portable signs may be placed in the public right-of-way fronting the business; provided, that a safety or vision clearance problem does not result.
- C. Off-Premises Signs. Signs other than a billboard which advertise a business, commodity, and/or activity which are not sold, manufactured, or conducted on the premises where the sign is located. These signs shall be charged to the property on which they are located. Therefore, the permit must be accompanied by a written documentation from the owner of the property on which the sign is to be located acknowledging this charge. To allow an unobstructed view of the bay, off-premises signs in the following locations must be wall-mounted:
  - 1. On the bayside of Bayshore Drive north of Elrod Avenue.
  - 2. On the bayside of South Empire Boulevard south of Newmark Avenue.
  - 3. On the bayside of 6th Avenue south of "F" Street.
- D. Billboards. Billboards are off-premises signs which are generally for hire. They shall only be allowed in the commercial and industrial zones, except that no billboard shall be allowed on the bayside of Bayshore Drive north of Elrod Avenue, nor on the bayside of South Empire Boulevard south of Newmark Avenue, nor on the bayside of 6th Avenue south of "F" Street. The size of billboards shall not exceed a total of 300 square feet; back-to-back installation on one supporting structure is permitted. There shall be not more than 13 billboards permitted within the City which shall be distributed as follows:
  - 1. Four on Bayshore and/or Broadway between the northern City limits and Market Avenue.
  - 2. Two on the west side of Broadway between Elrod Avenue and the southern City limits.
  - 3. Two on the east side of Broadway between Golden Avenue and the southern City limits.



4. Two on Ocean Boulevard between Pony Creek and Newmark Avenue.
5. Two on the east side of Empire Boulevard between Newmark Avenue and the southern City limits.
6. One on the east side of 6th Avenue between "H" Street and "F" Street.

An additional three billboards may be distributed among the streets listed in this subsection with the approval of the Planning Commission or the City Council.

#### **17.337.060 Standards – Residential Zoning Districts**

- A. General. This section shall apply to all residential zones listed in CBDC 17.220.020, Low Density Residential, Locational Criteria.
- B. Size.
  1. Each dwelling unit, including home occupations, shall be allowed one sign with a maximum of two faces not to exceed four square feet in area per face.
  2. Subdivisions, factory-built home parks, PUDs, other housing complexes, and all other uses without structures thereon shall be allowed one additional sign with a maximum of two faces not exceeding 24 square feet in area per face to identify the premises.
  3. Group residential and multiple-family dwellings shall be allowed the greater of either:
    - a. One wall-mounted or double-faced freestanding sign not to exceed 15 square feet, or
    - b. One wall-mounted sign not to exceed 10 percent (10%) of the property's lot frontage.
    - c. Commercial and civic uses shall be allowed both signs under subsection B.2 of this section; the smaller sign shall be oriented to a parking area or to the other street frontage on a corner lot.
- C. Location.
  1. In addition to the requirements of CBDC 17.230.020, Low Density Residential, Locational Criteria, freestanding signs shall be set back at least 10 feet from the property line and shall not be placed within the vision clearance area or in a manner which obstructs vision or vehicular traffic.



2. Building-mounted signs shall be placed flat against the wall and shall not project from the building or above the roofline.
3. Roof-mounted signs are prohibited.
  - a. Height. Free-standing signs shall not exceed five (5) feet in height from grade to the top of the sign. There are no height limitations for wall-mounted signs, except that no part of the sign shall extend above the roofline.
  - b. Content. Signs for residential uses shall only bear the name of the occupant and address, and the occupation if the sign advertises a home occupation. The additional sign allowed under subsections B.2 and B.3 of this section shall only identify the complex. The content of signs for commercial and civic uses is not restricted.
  - c. Lighting. Interior illumination, flashing, moving, or animated lights are prohibited.

#### **17.337.070 Standards – Commercial and Industrial Zoning Districts**

- A. General. This section shall apply to all commercial and industrial zones established by this title, except the zoning districts regulated by CBDC 17.337.080, Medical Park District.
- B. Size.
  1. The total allowable sign area, exclusive of wall-mounted signs, for each frontage shall be based upon either the lot or building frontage of the business along a publicly dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one square foot for each linear foot of lot frontage, or at one and one-half square feet for each linear foot of building frontage, whichever is greater. Each sign shall be limited to two faces and no individual sign shall exceed 300 square feet per face. However, all businesses shall be allowed a minimum of 37.5 square feet of sign area per face, regardless of the amount of frontage.
  2. Multi-Story Buildings. Ground floor businesses of multi-story buildings shall be entitled to 100 percent (100%) of the maximum allowable sign area computed for the building based upon the lot or building frontage. Different businesses above the ground floor shall share 50 percent (50%) of that sign area amount.
  3. Shopping Centers. Each business in a shopping center shall be allowed sign area based upon the business's building frontage on a public right-of-way or parking lot. In addition, the



shopping center shall be allowed one double-faced sign on each right-of-way, each not exceeding 100 square feet per face, which shall identify the center itself and may also identify businesses in the center.

- C. Location and Placement. A sign shall be placed to have exposure from the frontage on which it is computed, in compliance with CBDC 17.337.020 and as follows:
  - 1. Projecting Signs. These signs shall not project more than eight feet beyond the property line and shall not be closer than two feet to any curblane. These projecting signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot.
  - 2. Marquee Signs. Marquee signs, including signs on awnings or canopies, shall have a minimum clearance of eight feet from the grade of the pedestrian way to the bottom of the sign, and shall not project closer than two feet to any curblane.
  - 3. Signs Computed by Parking Lot Frontage. Signs computed on building frontage along a parking lot shall be painted on the building or flush-mounted on the wall surface of the building, and shall not extend above the top of the wall.
- D. Height. Signs shall not exceed 30 feet in height measured from grade to the highest element of the sign. This requirement shall not apply to signs affixed to the walls or to the roof.

#### **17.337.080 Standards – Medical Park District**

- A. General. This section shall apply to the medical park and residential/professional zones established by this title.
- B. Size.
  - 1. Each building of a commercial or civic use shall be allowed either one double-faced sign no greater than 24 square feet or two single-faced signs no greater than 24 square feet each.
  - 2. Residential uses shall conform to the requirements of CBDC 17.337.060(B).
- C. Location and Placement. Signs may be located anywhere on the property, except in compliance with CBDC 17.337.020 and as follows:



1. Residential Signs. Free-standing signs shall be set back at least 10 feet from the property line and shall not be placed within the vision clearance area or in a manner which obstructs vision or vehicular traffic. Roof-mounted signs are prohibited.
2. Commercial and Civic Use signs shall not project over public property.
- D. Height. Free-standing signs shall not exceed five (5\_ feet in height from grade to the top of the sign. There are no height limitations for wall-mounted signs, except that they shall not extend above the roofline.
- E. Lighting. Flashing, moving, or animated lights are prohibited.

#### **17.337.090 Standards – Urban Public District**

There shall are no special requirements applied in the Urban Public zone established by this title, except that flashing, moving, or animated signs are prohibited, excluding scoreboards.



## Chapter 17.340 Off-Street Parking and Loading Requirements

### Sections:

- 17.340.010 Off-Street Parking Requirements
- 17.340.020 Joint Use of Facilities
- 17.340.030 Parking Design Standards
- 17.340.040 Loading
- 17.340.050 Vehicles in Residential Zones
- 17.340.060 Multi-Family Parking Lots and Circulation
- 17.340.070 Parking Requirements of Manufactured Home Parks
- 17.340.080 Downtown Parking District

### 17.340.010 Off-Street Parking Requirements

- A. General Parking Requirements. Off-street parking shall be provided in compliance with CBDC Table 17.340.010.A.

**Table 17.340.010 (A) Off-Street Parking Requirements**

Use	Minimum number of parking spaces
<b>Residential:</b>	
Single or Multi-Family	2 spaces per dwelling unit
<b>Commercial:</b>	
Retail Stores and Service or Repair Shops	1 space per 400 square feet of floor area
Bank, Medical or Office Buildings	1 space per 400 square feet of floor area
Hotel, Motel or Bed and Breakfast Houses	1 space per guestroom
Restaurants or Drinking Establishments	1 space per 200 square feet of floor area
Church or Religious Institutions	1 space for each 6 seats or 12 feet of bench in the principal place of worship

**Table 17.340.010 (A) Off-Street Parking Requirements**

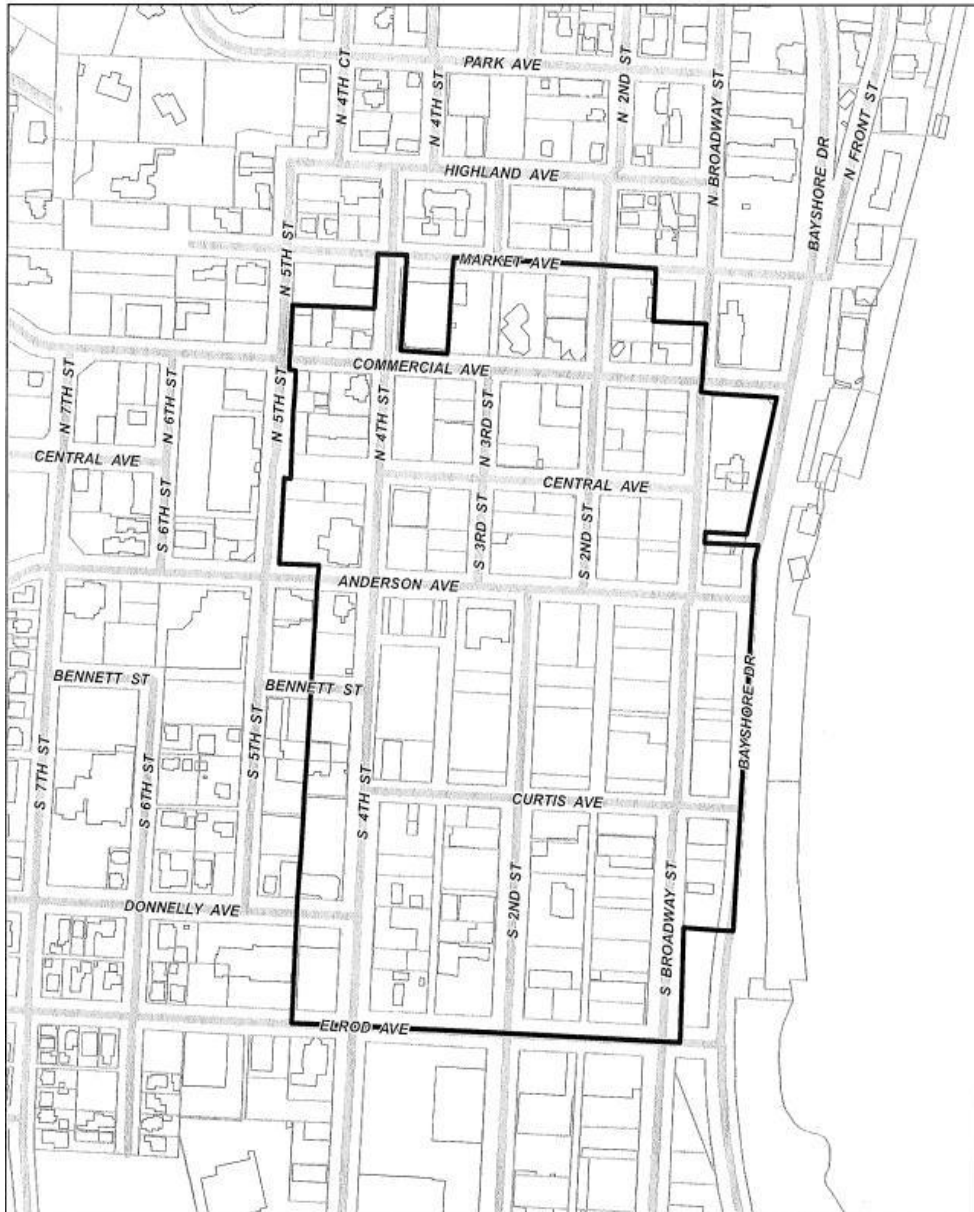
Use	Minimum number of parking spaces
<b>Schools:</b>	
Elementary and Middle School	1 space for each 12 students
High School	1 space for each 4 students
Library	1 space per 400 square feet of floor area
Day Care	1 space per employee
Industrial or Manufacturing	1 space per 500 square feet of floor area
Commercial Storage or Warehousing	1 space per 1,000 square feet of floor area
Government Buildings	1 space per 300 square feet of floor area and 1 space per full-time employee

**B. Exempt Parking.**

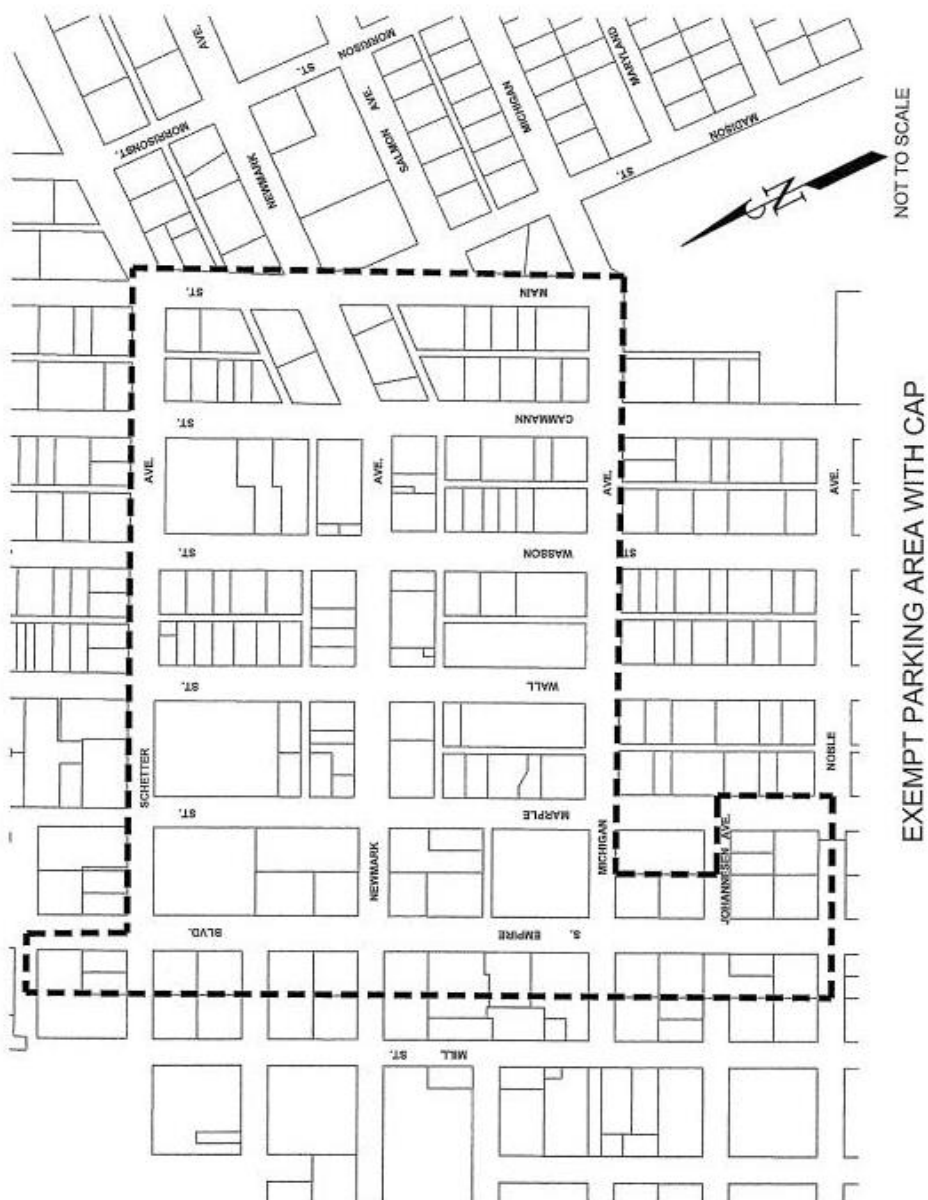
1. There shall be no off-street parking requirements for any property included within the area identified in Figure 17.340.010.B, Downtown Parking District. This area includes property within the parking lot assessment district, city-owned property, public right-of-way, and private property that have provided land for public parking.



**Downtown Parking District - Figure 17.340.010.B**



- Figure 17.340.010.C - Exempt Parking Area with Cap**





### **17.340.020 Joint Use of Facilities**

Joint parking and/or loading facilities serving two or more uses, structures, or parcels of land may be approved to satisfy the requirements of both facilities provided the owners or operators of the uses, structures, or parcels show that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

### **17.340.030 Parking Design Standards**

- A. Size of Parking Space. Each off-street parking space shall have an area of not less than 180 square feet, exclusive of drives and aisles, and a width of not less than nine (9) feet. Each space shall be provided with adequate ingress and egress.
- B. Location. Off-street parking facilities shall be located on-site to the extent feasible. Off-site parking shall be no further than 150 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.
- C. Materials, Design, and Lighting.
  - 1. Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.
  - 2. Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot must:
    - a. Provide aisles or turnaround areas so that all vehicles may enter the street in a forward manner; and
    - b. Serve a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of way, except for ingress and egress.
  - 3. Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).



- D. Boats and Recreational Vehicles. On-street parking of boats, trailers, camper, and recreational vehicles is prohibited in any residential district and the GC district.

#### **17.340.040 Loading**

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space on the basis of minimum requirements as follows:

- A. Commercial, industrial, and public uses shall provide truck loading or unloading berths in accordance with CBDC Table 17.340.040.A:

**Table 17.340.040.A**

<b>Square feet of floor area</b>	<b>Number of berths required</b>
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with CBDC Table 17.340.040.B:

**Table 17.340.040.B**

<b>Square feet of floor area</b>	<b>Number of berths required</b>
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

- C. A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.



- D. Existing loading space shall not be eliminated, if elimination would result in less space than is required to adequately handle the needs of the particular use.
- E. Off-street parking areas used to fulfill the requirement of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- F. Loading docks shall be located on the side or rear of the building.

#### **17.340.050 Vehicles in Residential Zones**

- A. Purpose. Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located within a single-family residential zone.
- B. Where Applicable. These regulations apply to all residential users in LDR-6 and LDR-8.5 zoning districts unless otherwise expressly indicated.
- C. Restrictions. Any vehicle that is the subject of this section that is parked off-street shall be parked on code approved areas or within garages. Failure to comply with this section shall constitute a nuisance.
  - 1. Passenger vehicles, light trucks and trucks under two ton gross weight may park in any approved parking area, including the street, or garage so long as they do not pose an impediment to pedestrian or other vehicular traffic. Vehicles which pose an impediment to pedestrian or vehicular traffic shall be deemed a nuisance.
  - 2. Motor homes, recreational vehicles and utility trailers shall not be parked on street for a period of two weeks or more during any calendar year.
  - 3. Motor homes, recreational vehicles and utility trailers may be parked in on-site parking areas as follows:
    - a. LDR- 6 zone, in allowed on-site parking area;
    - b. LDR- 8.5 zone, in allowed on-site areas, including driveways; so long as they are not parked between the front lot line and the primary facade of the dwelling.
- D. Off-street parking. Each single-family residence, constructed after the date of adoption of the ordinance codified in this title, shall provide for at least two off-street parking spaces. Off-street parking must provide a minimum of eighteen (18) feet of lineal parking between the street and the dwelling setback.



### **17.340.060 Multi-Family 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 forty percent of the front of each townhouse dwelling unit shall be devoted to garage door space.

- A. At least two parking spaces shall be provided on site for each multiple-family dwelling unit. When the development is located within a quarter mile of existing or planned transit (public transportation) service, 1.25 spaces per unit shall be required.
- B. A minimum of ten feet of landscaped buffer area shall separate parking lots from adjoining properties and streets. Driveways to townhouse garages, which provide off-street parking, shall not be considered parking lots.
- C. MDR development projects shall provide access to collector or arterial streets; however, individual dwelling units within an MDR development project shall not have direct access to an arterial or a collector street.
  - 1. Within an MDR development project, parking lots or driveways to individual dwelling units shall connect directly to a local residential street with direct access to an arterial or collector street.
  - 2. MDR development projects shall not have direct primary access to existing local residential streets within an MDR zoning district unless the review authority finds, by substantial evidence, that environmental, topographic or other issues relating directly to public safety or welfare require general access to a local, public residential street.
- D. Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.
- E. Parking lots associated with conditional or nonconforming uses in these districts are subject to site plan review and approval.
- F. In no event shall on-site parking facilities exceed fifty (50) contiguous spaces per parking cluster. Where more than fifty (50) spaces are required, there shall be a landscaped buffer, not less than twenty (20) feet wide, between parking clusters. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the Director, through the site review process, shall require that each cluster be designed



to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

- G. Through a Type-II adjustment request, an applicant may request adjustments to this subsection if the topography or other environmental constraints associated with the property prevents reasonable compliance with this standard. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the Director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.
- H. Through a Type-II adjustment request, an applicant may request adjustments to this subsection if the topography or other environmental constraints associated with the property prevents reasonable compliance with this standard.
- I. All new Townhouse developments shall include four (4) additional off-street parking spaces for every three (3) units. These spaces are to be evenly dispersed throughout the development with no more than four (4) spaces being located in any one specific area. The Director is authorized to establish final location of these parking spaces.

#### **17.340.070 Parking Requirements of Manufactured Home Parks**

- A. Off-street parking shall be provided for at least two automobiles per dwelling unit, located on the lot or property, which they are intended to serve. Off-street parking shall be provided within a garage or carport
- B. Visitor Parking. At least one automobile parking space shall be provided for every two manufactured home lots or sites for use by visitors and delivery vehicles. These spaces shall be signed or designated as such. These spaces shall be within 100 feet of the lots to be served. Visitor parking may be provided on streets designed to accommodate parking and two standard lanes of traffic.
- C. All on-site parking shall be designed and constructed in compliance with the parking facility standards of this chapter
- D. Trucks with a maximum gross vehicle weight more than one and one-half tons, recreational vehicles, boats on boat trailers, and similar equipment shall be parked in one of the two allocated off-street parking spaces if stored on an individual lot or space; provided no more than one passenger vehicle may be parked on a given lot or space. Car-top boats and canoes are exempt from this requirement.



## Chapter 17.342 Annexation

### Sections:

- 17.342.010 General
- 17.342.020 Initiation
- 17.342.030 Hearing
- 17.342.040 Decision
- 17.342.050 Conditions
- 17.342.060 Zoning of Annexed Area
- 17.342.070 Final Action

#### **17.342.010 General**

Annexation procedures are meant to facilitate the orderly expansion of the City and the efficient extension of public facilities and services. They are also intended to provide adequate public review and establish a system for measuring the physical, environmental, and related social impacts of a proposed annexation.

#### **17.342.020 Initiation**

In accordance with state law, initiation of an annexation may be made by the petition of a property owner in the area proposed for annexation or by a majority vote of the City Council.

#### **17.342.030 Hearing**

Upon initiation of an annexation, the council shall set a date for a public hearing to be held before the Planning Commission in accordance with all provisions of this Chapter to determine whether the proposed annexation complies with the comprehensive plan.

#### **17.342.040 Decision**

The Planning Commission shall make a recommendation to the City Council, based on substantial evidence in the record, whether the proposed annexation is consistent with the comprehensive plan or that substantial changes in conditions have occurred which render the comprehensive plan inapplicable to the annexation. The Council shall review the recommendation of the Planning Commission and either affirm, alter, or remand the annexation proposal back to the Planning Commission.



#### **17.342.050 Conditions**

The Planning Commission may recommend and the City Council may impose special conditions necessary to mitigate potential social, environmental, and physical impacts resulting from the annexation or to facilitate the provision of public facilities and services.

#### **17.342.060 Zoning of Annexed Area**

Zoning regulations applicable to an area prior to its annexation shall continue to apply in accordance with state law unless at the time of annexation or at a subsequent time the City Council rezones the annexed parcel consistent with the comprehensive plan and this title. The annexation ordinance shall expressly provide for the zoning of the annexed area.

#### **17.342.070 Final Action**

The City Council shall conduct a public hearing prior to adoption of an annexation ordinance, consistent with this title and applicable state law.



## Chapter 17.345 Vacation

### Sections:

- 17.345.010 General
- 17.345.020 Initiation
- 17.345.030 Staff Review of Private Application
- 17.345.040 Hearing
- 17.345.050 Decision
- 17.345.060 Conditions
- 17.345.070 Effective Date

### 17.345.010 General

The City may find it appropriate and necessary to vacate a street, alley, plat, or other public place when the public interest will not be prejudiced by the proposed vacation. Example of instances where the public interest would be prejudiced includes, but is not limited to, situations where the vacation would adversely affect public access or hinder efficient development. Vacation may be found to be appropriate and necessary for municipal purposes or to promote public welfare.

### 17.345.020 Initiation

- A. A property owner may initiate a vacation by providing the Director with:
  - 1. A notarized petition of consent signed by owners of the “affected property” as defined by state statute; this includes the written, notarized consent of each of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. For the purposes of this section, “real property affected thereby” shall be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.
  - 2. A legal description and map of the ground proposed to be vacated.
  - 3. The purpose and justification for the vacation.



4. If applicable, a plat showing the proposed manner of re-platting or re-dedication.

- B The City Council may initiate a vacation by a majority vote without a petition or consent of property owners and prior to giving public notice.

#### **17.345.030 Staff Review of Private Application**

The Department shall verify that the signed petition is valid and meets the requirements of CBDC 17.345.020.A. The application shall then be presented to the City Council with an initial recommendation from the Department.

#### **17.345.040 Hearing**

If a vacation is initiated by petition and the Council concludes the vacation has merit, or if a vacation is initiated upon motion by the Council, the Council shall set a date for public hearing before the Planning Commission in accordance with the provisions of this Chapter and CBDC 17.130.100 or .110, Type III or Type IV Hearing and 17.130.120, Notices.

#### **17.345.050 Decision**

The Planning Commission shall make a recommendation to the City Council to approve, conditionally approve, or deny a request for a vacation. The Council shall review the record and affirm, amend, or reverse the commission recommendation, or remand the matter back for further consideration.

Actions of the commission and the Council shall be taken only after adopting findings or statements of fact which substantiate all of the following conclusions:

- A. Vacation Initiated by Private Property Owner – Approval Criteria.
1. The affected property owners provided their consent in writing.
  2. The City provided notice has been provided consistent with CBDC 17.130.120, Notice.
  3. The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay Transportation System Plan (TSP), or other applicable ordinances.
  4. The vacation does not prejudice the public interest.



B. Vacation Initiated by Council Motion – Approval Criteria.

1. Owners of the majority of the area affected did not object to the vacation in writing prior to the hearing.
2. The vacation of a street will not substantially affect the marketability of abutting property in terms of access, utility services, or protective services, unless the owners of the affected property consent or provisions have been made to pay damages.
3. The City provided notice has been provided consistent with CBDC 17.130.120, Notice.
4. The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other applicable ordinances.
5. The vacation does not prejudice the public interest.

**17.345.060 Conditions**

The Planning Commission and Council may impose conditions necessary for the vacation, to be provided at the applicant's expense, including but not limited to:

- A. Retention of easements for physical access, public utilities, or other public service facilities and limitations on the use of the area adjacent to those facilities.
- B. Construction or removal of public utilities or other public service facilities and limitations on the use of the area adjacent to those facilities.
- C. Re-platting or re-dedication of land to be vacated.
- D. Improvement of streets or alleys prior to re-dedication.

**17.345.070 Effective Date**

Upon approval of a proposed vacation and/or fulfillment of conditions, the City Council shall enact an ordinance which declares the land to be vacated and specifies the conditions under which the vacation is made. The proposed vacation will become effective 30 days after enactment of the ordinance, unless an appeal is filed.



## **Chapter 17.347 Flood Damage Prevention**

### **FLOOD DAMAGE PREVENTION**

#### **Sections:**

- 17.347.010 General
- 17.347.020 Authorization
- 17.347.030 Findings of Fact
- 17.347.040 Statement of Purpose
- 17.347.050 Methods of Reducing Flood Losses
- 17.347.060 Definitions
- 17.347.070 General provisions – Lands to which this Chapter Applies
- 17.347.080 Basis for Establishing the Areas of Special Flood Hazard
- 17.347.090 Abrogation and Greater Restrictions
- 17.347.100 Interpretation and Severability
- 17.347.110 Warning and Disclaimer of Liability
- 17.347.120 Alteration of Watercourses
- 17.347.130 Special Flood Hazard Areas
- 17.347.140 Development Permit Required – Obtaining and Maintaining Information
- 17.347.150 Review of Development Permits
- 17.347.160 Provisions for Flood Hazard Reduction
- 17.347.170 Below-Grade Crawlspace
- 17.347.180 Critical Facility
- 17.347.190 Land Division, Manufactured Home Parks and Planned Unit Development
- 17.347.200 Standards for Storage of Materials and Equipment

#### **17.347.010 General**

- A. Areas within the City of Coos Bay are subject to periodic flooding and the City is a participating community in the National Flood Insurance Program. Therefore, the City adopts land use control measures to reduce flood hazard and assure that City residents will continue to benefit from the national program.



B. As part of this program, the City shall:

1. Review all development permits to determine that all necessary federal, state, or local governmental agency permits have been obtained which require prior approval;
2. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied;
3. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new structures, substantially improved structures, or substantially improved floodproofed structures, and whether or not the structure contains a basement; and
4. Maintain floodproofing certification required by CBDC 17.347.160.B.2, Non-residential Construction.

#### **17.347.020 Authorization**

The state of Oregon has, in ORS 203.035, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Coos Bay does ordain as follows in this chapter.

#### **17.347.030 Findings of Fact**

- A. The flood hazard areas of the City of Coos Bay are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

#### **17.347.040 Statement of Purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money and costly flood control projects;



- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- I. Maintain eligibility for disaster relief.

#### **17.347.050 Methods of Reducing Flood Losses**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas; and
- F. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.



### 17.347.060 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Below-grade crawl space” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevated building” means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).



“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Grade (adjacent ground level)” means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet from the wall. If walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way. For the NFIP, the lowest adjacent grade is the lowest point of the ground level next to the building.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at CBDC 17.347.160.B.1, Residential Construction.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a



minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
2. Designed to be self-propelled or permanently towable by a light duty truck; and
3. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued; provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State building code” means the combined specialty codes.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or



2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

#### **17.347.070 General Provisions – Lands to which this Chapter Applies**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Coos Bay.

#### **17.347.080 Basis for Establishing the Areas of Special Flood Hazard**

- A. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Coos County, Oregon and Incorporated Areas,” dated September 25, 2009, and accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study and the FIRM are on file at 500 Central Avenue, Coos Bay, Oregon 97420. The best available information for flood hazard area identification as outlined in subsection (2) of this section shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection (B) of this section.
- B. When base flood elevation data described in subsection (A) of this section has not been provided, the local administrator, the public works director, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to administer CBDC 17.347.130 and 17.347.160.B, Specific Standards.



- C. The City shall make an interpretation where needed, as to the exact location of FIRM boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulation of the National Flood Insurance Program (44 CFR 59-76).

#### **17.347.090 Abrogation and Greater Restrictions**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **17.347.100 Interpretation and Severability**

- A. In the interpretation and application of this chapter, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building code.
- B. Severability. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

#### **17.347.110 Warning and Disclaimer of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Coos Bay, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.



### **17.347.120 Alteration of Watercourses**

Adjacent jurisdictions, the Department of Land Conservation and Development, and other appropriate state and federal agencies shall be notified prior to any alteration or relocation of a watercourse subject to flood hazard, and the City shall submit evidence of such notification to the Federal Insurance Administration. Maintenance shall be required within the altered or relocated portion of the watercourse so that its flood-carrying capacity is not diminished.

### **17.347.130 Special Flood Hazard Areas**

- A. In special flood hazard areas, where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zones A and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- B. Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential.

Therefore, encroachments into the floodway, including fill, new construction, substantial improvement, and other development, shall be prohibited, unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- C. If the requirement of subsection (B) or (C) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of CBDC 17.347.160, Provisions for flood hazard reduction.
- D. Projects for stream habitat restoration may be permitted in the floodway provided:
  - 1. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and
  - 2. A qualified professional (a registered professional engineer; or staff of NRCS, the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification



- that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and
3. No structures would be impacted by a potential rise in flood elevation; and
  4. An agreement to monitor the project, correct problems, and ensure that flood-carrying capacity remains unchanged is included as part of the local approval.
- E. New installation of manufactured dwellings is prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:
1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation and the continued use is not a threat to life, health, property, or the general public; or
  2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation, and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:
    - a. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
    - b. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 centimeters) above the BFE as identified on the Flood Insurance Rate Map;
    - c. The replacement manufactured home is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
    - d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;



- e. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
- f. Any other requirements deemed necessary by the authority having jurisdiction.

#### **17.347.140 Development Permit Required – Obtaining and Maintaining Information**

- A. A development permit shall be obtained before construction, including substantial improvements, or development begins within any area of special flood hazard established in CBDC 17.347.080. The permit shall be for all structures, including manufactured homes, and for all development including fill and other activities, as set forth in CBDC 17.365 and this chapter.
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
  - 1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
  - 2. Elevation in relation to mean sea level to which any structure has been floodproofed;
  - 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in CBDC 17.347.160.B.2, Non-Residential Construction; and
  - 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- C. Information to Be Obtained and Maintained.
  - 1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in CBDC 17.347.080.B, Basis for Establishing Areas of Special Food Hazards, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - 2. For all new or substantially improved floodproofed structures where elevation data is provided through the Flood Insurance Study, FIRM, or as required in CBDC 17.347.080.B:



- a. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
  - b. Maintain the floodproofing certifications required in subsection (2) of this section.
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

#### **17.347.150 Review of Development Permits**

The Director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The duties shall include, but not be limited to:

- A. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of CBDC 17.347.130 are met.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, CBDC 17.347.080.B, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historic data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

#### **17.347.160 Provisions for Flood Hazard Reduction**

Substantial improvements to existing structures located at or below the base flood elevation and all new construction shall conform to the following standards. The building official and/or Department shall be responsible to review plans and inspect construction to determine that it is reasonably safe from flooding and complies with provisions of the International Code Council (ICC).

- A. General Standards. In all areas of special flood hazard, the following standards are required:
  1. Anchoring.



- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and
  - b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- 2. Construction Materials and Methods.
  - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
  - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
  - c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 3. Utilities.
  - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  - b. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, consistent with the Oregon Department of Environmental Quality.
- 4. Subdivision Proposals.
  - a. All subdivision proposals shall be consistent with the need to minimize flood damage;
  - b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;



- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
    - d. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- B. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in CBDC 17.347.080.A or .080B, the following provisions are required:
  - 1. Residential Construction.
    - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation.
    - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      - (ii) The bottom of all openings shall be no higher than one foot above grade.
      - (iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
  - 2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure (including a detached garage) shall either have the lowest floor, including basement, elevated at or above the base flood elevation, or together with attendant utility and sanitary facilities, shall:
    - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
    - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;



- c. Be certified by a registered engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based upon their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City as set forth in this chapter;
  - d. Nonresidential structures which are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B.1.b of this section; and
  - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below the base flood level).
3. Manufactured Homes.
- a. Manufactured homes shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated a minimum of 18 inches (46 centimeters) above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement when the home is to be located or substantially improved on sites:
    - (i) Outside of a manufactured home park or subdivision;
    - (ii) In a new manufactured home park or subdivision;
    - (iii) In an expansion to an existing manufactured home park or subdivision; or
    - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.
    - (v) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection B.3.ii of this section shall be elevated so that either:
      - (A) The finished floor of the manufactured home is elevated a minimum of 18 inches (46 centimeters) above the base flood elevation; or
      - (B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.



4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:
  - a. Occupy the site for less than 180 consecutive days; or
  - b. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick-disconnect-type utilities and security devices, and have no permanently attached additions; or
  - c. Meet the requirements of subsection B.3 of this section, and the elevation and anchoring requirements for manufactured homes.

#### **17.347.170 Below-Grade Crawlspace**

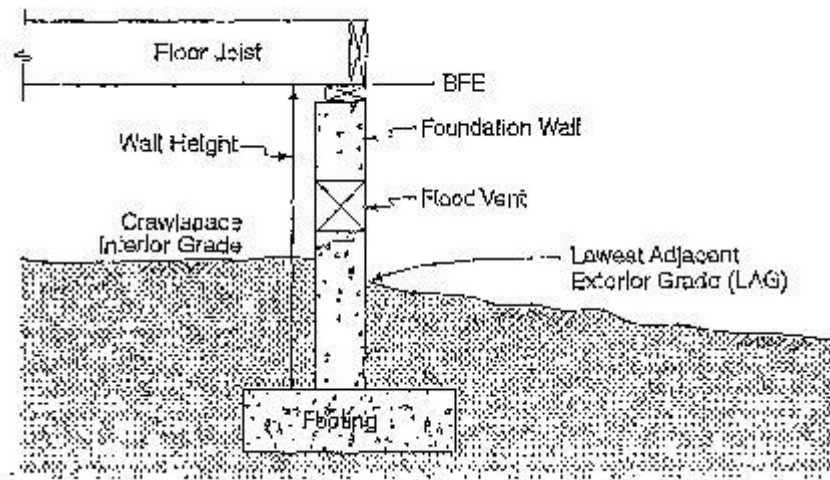
Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, CrawlSpace Construction for Buildings Located in Special Flood Hazard Areas:

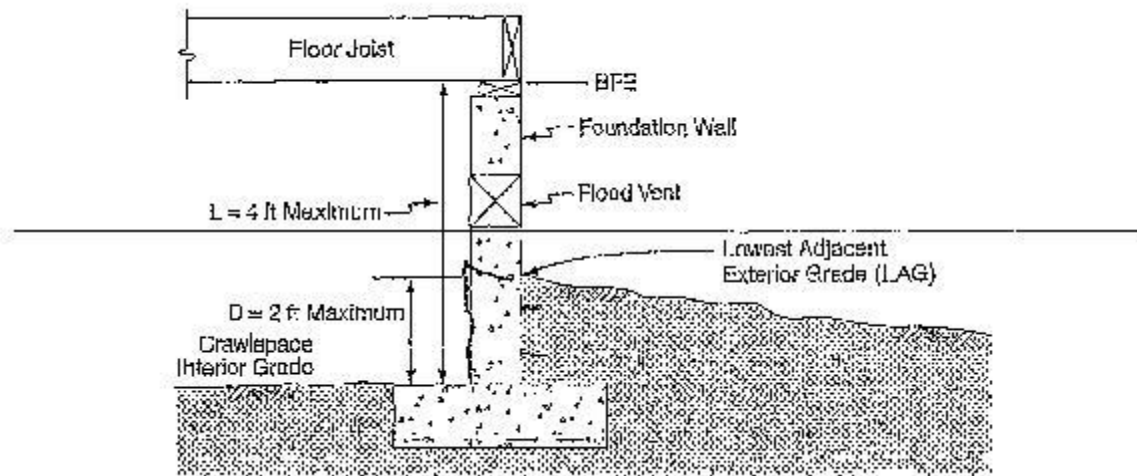
- A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection (2) of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- B. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
- C. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- D. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.



- E. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
- F. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- G. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- H. The velocity of floodwaters at the site must not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types shall be used.
- I. There is an increased insurance cost associated with below-grade crawlspaces.

**Below are diagrams from FEMA Technical Bulletin 11-01.**





- \* Preferred crawlspace construction
- \* Requirements regarding below-grade crawlspace construction
- \* For residential structures, state building code requires the lowest floor to be elevated a minimum of one foot (18 inches for manufactured homes) above BFE.

#### **17.347.180 Critical Facility**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

#### **17.347.190 Land Division, Manufactured Home Parks and Planned Unit Development**

All development proposals for land division, manufactured home parks, and PUDs shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from



another authoritative source, it shall be generated for those development proposals which contain at least 50 lots or spaces, or five (5) acres (whichever is less).

**17.347.200 Standards for Storage of Materials and Equipment**

- A. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
- B. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.



## Chapter 17.350 Legal Lot Determinations

### Sections

#### 17.350.010 Legal Lot Determinations

#### 17.350.010 Legal Lot Determinations

##### A. Purpose and Summary

1. The purpose of this section is to provide a process and criteria for determining whether parcels are lots of record consistent with applicable state and local law, and to include a list of potential remedial measures available to owners of property which do not meet the criteria.
2. In summary, parcels are lots of record if they were in compliance with applicable laws regarding zoning and platting at the time of their creation. Zoning laws pertain primarily to the minimum lot size and dimensions of the property. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

##### B. Applicability. The standards of this section apply to all requests for individual lot determinations applications or as a part of an application packet being submitted by the applicant.

##### C. Determination Process. Lot of record status may be formally determined through the following ways:

1. Lot Determinations as Part of a Building Permit or Other Development Request. Building or other development applications for new principal structures on parcels which are not part of a platted land division shall be reviewed by the City for compliance with the criteria standards of this section, according to the timelines and procedure of the building permit or other applicable review involved. Lot determination fees pursuant to the Coos Bay Fee Schedule shall be assessed, unless the parcel was recognized through a previous lot determination or other review in which such recognition was made. Lot determination fees will be assessed for placement or replacement of primary structures. A separate written approval will not be issued unless requested by the applicant.
2. Lot Determinations Requests Submitted Without Other Development Review. Requests for determinations of lot of record status not involving any other City development reviews shall submit an application for lot determination. The City shall use a Type I process, CBDC 17.130.080. The City will issue a letter of determination in response to all such requests.



D. Application and Submittal Requirements.

The following shall be submitted with all applications for lot determination, or applications for other development review in which a lot determination is involved. Applicants are encouraged to submit material as necessary to demonstrate compliance with this section.

1. Prior city/county partition, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a lot of record;
2. Sales or transfer deed history;
3. Prior segregation request, if any;
4. Prior recorded survey, if any; and
5. At the discretion of the applicant, any other information demonstrating compliance with criteria of this section.

E. Approval Criteria.

1. For a parcel to be deemed a legal lot of record one of the following must apply:
  - a. A lot must have been created through the legal zoning requirements at the time of its creation, and
  - b. The lot was created prior to zoning requirements being placed on the property approved sub-division or short sub-division.

**NOTE:** Tax partitions do not by themselves create legal lots for development. They only provide for the orderly collection of taxes.

2. Public Interest Exception, Discretionary. The responsible official may, but is not obligated to, determine that parcels meeting the following criteria are lots of record:
  - a. Zoning. The parcel lacks sufficient area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and
  - b. Platting.



- (i) The responsible official determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land; or
    - (ii) The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.
  - c. The responsible official shall apply the following factors in making a lot of record termination under the discretionary public interest exception:
    - (i) The parcel size is generally consistent with surrounding lots of record within one thousand (1,000) feet;
    - (ii) Recognition of the parcel does not adversely impact public health or safety
    - (iii) Recognition of the parcel does not adversely affect or interfere with the implementation of the comprehensive plan; and
    - (iv) Recognition of lot of record status based on the public interest exception shall be valid for five (5) years from the date of lot determination or review in which the determination was made. If a building or other development permit is not sought within that time, the determination will expire. Applications for development or lot recognition submitted after five (5) years shall require compliance with applicable standards at that time.
- F. *De Minimis* Lot Size Standard. For the purposes of reviewing the status of pre-existing lots for compliance with platting and zoning standards, parcels within one percent (1%) of minimum lot size requirements shall be considered in compliance with those standards. Parcels within ten percent (10%) of lot size standards shall be similarly considered in compliance unless the Department determines that public health or safety impacts are present. The Planning Commission shall review appeals of this chapter.



## **Chapter 17.352 – Alterations of Final Plats and Provisions**

### **Sections:**

17.352.010 Revisions to Approved Plats, Recorded and Non-Recorded

### **17.352.010 Revisions to Approved Plats Recorded and Non-Recorded**

The developer shall file the final partition or subdivision plat and attached documents for recording with the Coos County auditor and the City of Coos Bay within sixty (60) days. No person or body may change a final plat in any respect except through the appropriate post-decision approval process or plat amendment process and as approved by the Director.



## Chapter 17.355 Telecommunication Facilities

### Sections:

- 17.355.010 Additional Standards
- 17.355.020 Expiration and Extension
- 17.355.030 Transfer Prohibited

#### 17.355.010 Additional Standards

In addition to complying with other applicable standards, a telecommunications facility shall comply with the following siting and design standards:

- A. A new telecommunications facility shall be reviewed and processed as a conditional use in all zones within the City.
- B. A telecommunications facility may exceed the height limit of the underlying zone, if any.
- C. The base of the tower for a telecommunications facility shall be set back from property lines a distance equal to or greater than one-half the height of the tower. All other structures and improvements associated with a telecommunications facility shall comply with applicable dimensional standards of the base zone or as otherwise provided by the approval authority.
- D. The setback of a telecommunications facility shall include landscaping as provided in CBDC 17.362.060.
- E. Generators and other equipment associated with a telecommunications facility shall not cause noise in excess of limitations within the City.
- F. Lights associated with a telecommunications facility shall be the minimum necessary to provide for security and safety. Advertising or signage of any kind is prohibited on a telecommunications facility tower except for a sign identifying safety and emergency information.

#### 17.355.020 Expiration and Extension

If a conditional use permit expires it can be extended as provided in CBDC 17.325.040, Conditional Use.



### **17.355.030 Transfer Prohibited**

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.



## Chapter 17.360 Mitigation of Adverse Impacts

### Sections:

- 17.360.010 Purpose
- 17.360.020 Determination of Direct Impacts
- 17.360.030 Mitigation of Direct Impacts
- 17.360.040 Voluntary Payment Agreements as Alternatives to Dedication and Improvements

### 17.360.010 Purpose

It is the purpose of this chapter to provide alternatives for prospective developers of land within this City to mitigate the direct impacts that have been specifically identified by the City as a consequence of proposed development, and to make provisions for impacts including, but not limited to, impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, parks, playgrounds, and sites for schools and school grounds.

For purposes of this chapter the term “development” shall include, but not be limited to, subdivision approval, short subdivision approval, site plan approval and the issuance of any building permit related to the foregoing.

### 17.360.020 Determination of Direct Impacts

- A. Before any development is given the required approval or is permitted to proceed, the review authority shall determine all significant adverse impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering but not limited to the following factors:
  - 1. Pre-development versus post development demands upon City streets, drainage facilities, parks, playgrounds, recreation facilities, schools, police services, and other development facilities or services;
  - 2. Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the general vicinity of the proposed development;
  - 3. Size, number, condition and proximity of existing facilities to be affected by the proposed development;



4. Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
  5. Likelihood that the users of the proposed development will benefit from any mitigating capital improvements;
  6. Potential significant adverse environmental impacts of the proposed development;
  7. Consistency with the City's comprehensive plan;
  8. Likelihood of City growth by annexation into areas immediately adjacent to the proposed development;
  9. Appropriateness of financing necessary capital improvements by means of local improvement districts;
  10. Whether the designated capital improvement furthers the public health, safety or general welfare; and
  11. Any other facts deemed the review authority determines to be relevant.
- B. The applicant shall assume the cost of any investigations, analysis or reports necessary for a determination of direct impact.

#### **17.360.030 Mitigation of Direct Impacts**

- A. The review authority shall consider an applicant's proposal for mitigating any identified direct impacts and determine whether the proposal is an acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. The City shall not approve a development until provisions have been made to mitigate identified direct impacts that are consequences of the development.
- B. The methods of mitigating identified direct impacts required as a condition to any development approval may include, but are not limited to, dedication of land to any public body and/or off-site improvements.



#### **17.360.040 Voluntary Payment Agreements as Alternatives to Dedication and Improvements**

- A. In lieu of a dedication of land or to mitigate a direct impact identified as a consequence of a proposed development, subdivision or plat, the City may approve a voluntary payment agreement with the developer; provided, however, no such agreement shall be required as any condition of approval, and any such agreement shall be subject to the following provisions:
  - 1. The review authority must find that the money offered will mitigate or is a satisfactory alternative to mitigate the identified direct impact.
  - 2. The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified direct impact.
  - 3. The payment shall be expended in all cases within five years of collection, unless otherwise agreed to by the developer and approved by his legal advisor due to the unique circumstances involved.
  - 4. Any payment not so expended shall be refunded to the property owners of record at the time of the refund with interest at the rate applied to judgments at the time of the refund. However, if the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest; provided, property owners entitled to a refund and/or interest under the provisions of this chapter may voluntarily and in writing waive their right to a refund for a specified period of time in the interests of providing the designated capital improvement or any other capital improvement identified by the property owner.
- B. Further, at the time a developer enters into a voluntary agreement pursuant to this chapter, the developer may voluntarily and in writing waive on behalf of the developer and subsequent purchasers the right to interest and/or a refund in order to facilitate completion of an improvement. The City shall not require a waiver as a condition of approval. Approved waivers shall be recorded with the Coos County assessor's office and shall be binding on subsequent owners.



## **Chapter 17.362 Supplementary Development Standards**

### **Sections:**

- 17.362.010 Generally
- 17.362.020 Height of Fences and Hedges
- 17.362.030 Solid Waste
- 17.362.040 Lighting
- 17.362.050 Noise
- 17.362.060 Landscaping

### **17.362.010 Generally**

The standards in this chapter apply to development generally within the City of Coos Bay. They can be used in any review process where applicable to evaluate or to set conditions of approval of an application.

### **17.362.020 Height of Fences and Hedges**

- A. Front and Street Side Yards. Fences and hedges shall be no higher than six (6) feet (measured from ground level) within five (5) feet of a front property line or street side property line.
- B. Interior Side and Rear Yards. Fences and hedges shall be no higher than six (6) feet (measured from ground level) along interior side and rear property lines.

### **17.362.030 Solid Waste**

If refuse containers are used by more than one unit for temporary storage of solid wastes, the container(s) shall be screened from view from off-site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter.

### **17.362.040 Lighting**

- A. Street lighting shall be a required component of all residential, commercial and industrial developments within the City of Coos Bay. Lighting plans shall be a required component of complete preliminary subdivision, partition and site plan applications. All lighting plans shall be approved by the Director.



- B. Lighting, including permitted illuminated signs, shall be designed and arranged so as to not:
  - 1. Reflect or cast glare into any residential zone;
  - 2. Rotate, glitter, or flash; or
  - 3. Conflict with the readability of traffic signs and control signals.
- C. Lighting on any site shall not cause more than one foot-candle measured at any property line.

#### **17.362.050 Noise**

All development shall comply with the noise standards established in the City.

#### **17.362.060 Landscaping**

The following standards apply to landscaping and screening on private property required pursuant to this title. The City's Public Works Department shall review and authorize landscaping and screening within public right-of-ways.

- A. At a minimum, 15% of each new commercial or industrial zoned lot or development must be landscaped to the standards within this chapter.
- B. Applicants are encouraged to provide flexible landscaping design that takes advantage of natural features and addresses the use and function of the proposed development. Landscaping choices should consider the aesthetic qualities of the existing site and provide attractive variety in tree and shrub species, texture, color, height and density.
- C. Existing vegetation may fulfill landscaping and screening requirements of this chapter if the existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.
- D. As a condition of approval for a conditional use or PUD, the City may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.
- E. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water. Required stormwater management facilities are not classified as areas inundated by water.



- F. Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized by the City's Public Works Department.
- G. Parking and loading areas shall be landscaped as follows:
  - 1. A minimum five-foot-wide landscaped strip shall be provided where vehicle parking or loading adjoins a public road right-of-way.
  - 2. Parking areas that contain at least seven (7) spaces are encouraged to provide landscaping islands throughout the development. A landscape island shall contain at least 25 square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, by using a wheel stop or curb.
- H. The applicant shall install required landscaping and screening consistent with the approved site plan or development, or an approved modification thereto, before the City issues an occupancy permit or final inspection for the development in question; provided, the City may defer installation of plant materials for up to six months after the City issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.
- I. All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.
- J. Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of 3 inches. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- K. Trees shall be measured from the ground level at final planting to the top of the tree.
  - 1. Trees required for parking and loading areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.
  - 2. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight (8) feet at the time of planting.



3. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six (6) feet high at the time of planting.
  4. The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Oregon or expert in the growing of the tree(s) in question certifies that the reduction in size at planting will not decrease the likelihood the trees will survive.
- L. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Sunset Western Garden Book.
- M. The applicant shall demonstrate and comply with the following:
1. Plant materials shall be installed to current nursery industry standards.
  2. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
  3. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the drip-line of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the drip-line of trees to be retained.
- N. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections.
- O. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:



1. A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the City grants an occupancy permit or final inspection for the development in question; or
2. A temporary irrigation system will be acceptable provided, the applicant must submit a statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question which certifies that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall; or
3. A permanent or temporary irrigation system will not serve the landscape area in question; provided the applicant submits the following:
  - a. A statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall, and
  - b. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the City.



## **Chapter 17.365 Manufactured Home Special Siting Standards**

### **Sections:**

- 17.365.010 Type and Size
- 17.365.020 Siting Requirements
- 17.365.030 Roof
- 17.365.040 Siding
- 17.365.050 Insulation
- 17.365.060 Unauthorized Location

### **17.365.010 Type and Size**

A manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet.

### **17.365.020 Siting Requirements**

The home shall be enclosed at the perimeter with a concrete or concrete masonry wall which extends from the bottom of the excavated area to the underside of the manufactured home. The required wall must be trimmed at the meeting with the home to approximate the appearance of a concrete foundation for a conventional single-family dwelling.

### **17.365.030 Roof**

The manufactured home must have a sloping roof with a minimum pitch of three feet in height for each 12 feet in width (3:12).

### **17.365.040 Siding**

- A. The manufactured home must have conventional wood or textured siding material and have a shake or shingle roof.
- B. Deviation to this standard is allowed if the owner can document the manufactured home's siding or roofing material is comparable to the predominant materials used for single-family dwellings located 250 feet from the external property boundaries.



#### **17.365.050 Insulation**

- A. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to that required for a single-family dwelling constructed pursuant to specialty code as defined in ORS 455.010.
- B. Documentation that the home meets “Super Good Cents” energy efficiency standards is acceptable in lieu of the manufacturer’s certification.

#### **17.365.060 Unauthorized Location**

Manufactured homes are not permitted on property located 100 feet from the external boundaries from property identified in the State Inventory of Historic Property, the National Register of Historic Property, or property designated in the comprehensive plan as a historic district or cultural resource.



## **Chapter 17.367 Accessory Use or Building on a Separate Lot or Parcel**

### **Sections:**

#### **17.367.010 General Regulations**

#### **17.367.010 General Regulations**

- A. An accessory use or building may be located on a neighboring lot or parcel provided:
  - 1. The neighboring lot or parcel is within 20 feet of the principal property; and
  - 2. The neighboring lot or parcel is within the same zoning district as the principal property; and
  - 3. A deed restriction approved by the Department is filed with the County which states:
- B. The following described property on which an accessory building is to be built "(insert description of neighboring property on which accessory building is to be built) cannot be sold or otherwise transferred separate from the following described property: (insert description of property on which the principal use is located) on which the principal use is located. This restriction shall remain in effect until the City of Coos Bay Community Development Department finds the accessory building is accessory to a principal use on the same property or the accessory building no longer exists."



## **Chapter 17.370 Estuarine and Coastal Shoreland Uses and Activities**

### **Sections:**

- 17.370.010 General
- 17.370.020 Initiation
- 17.370.030 Application
- 17.370.040 Tentative Decision
- 17.370.050 Conditions
- 17.370.060 Tentative Order and Notice
- 17.370.070 Final Order
- 17.370.080 Appeal

### **17.370.010 General**

Uses and activities permitted by the Coos Bay estuary management plan are subject to general and special conditions and policies to comply with statewide planning goals. Compliance with these conditions and policies must be verified; therefore, all uses and activities under jurisdiction of the Coos Bay estuary management plan must be reviewed.

### **17.370.020 Initiation**

A request to permit these uses and activities may be initiated by a property owner or authorized agent through a Type 1 review process and application to the community development department.

### **17.370.030 Application**

An application may include any or all of the following items at the discretion of the Director. The applicant shall provide three (3) copies of the required information.

- A. A general location map of the property and a detailed parcel map of the property, each on approximately eight inch by 11-inch paper.
- B. Address and legal description of the property.
- C. Detailed description of the proposed use or activity.



- D. Statement explaining how the proposed use and/or activity complies with the applicable management plan and title provisions.

#### **17.370.040 Tentative Decision**

Within 15 working days of a complete application, the Director shall render a tentative decision to approve, approve with conditions, or deny the request after adopting findings of fact which address applicable general or special conditions or policies of the Coos Bay estuary management plan, special resources delineated on the special considerations map of the estuary management plan, and applicable provisions of this title.

The Director may defer the initial review to the Planning Commission which shall be conducted at a public hearing. If the proposed use is also identified as a conditional use by this title, the decision shall be made by the Planning Commission in accordance with CBDC 17.325, Conditional Uses.

#### **17.370.050 Conditions**

The City may impose conditions if it finds that a use or activity may have an adverse impact on the site itself or nearby property. Conditions of approval, including those identified in CBDC 17.325, Conditional Use, shall be stated in terms that are specific and measurable so that the applicant is fully aware of the intent and justification of the condition and how and when to implement them.

#### **17.370.060 Tentative Order and Notice**

The review authority shall issue a written tentative order and notice containing preliminary findings of fact and conclusions of law. Upon completion of the tentative order and notice the City shall provide notice as follows:

- A. Mailed notice of the tentative decision shall include:
1. Date of the tentative decision and the date the decision will become final.
  2. A reasonably written description of the subject property which may include, but is not limited to, any one of the following: a map, postal address, legal description, or tax map designation.
  3. The nature of the pending issue or proposed use.
  4. A list of the applicable criteria upon which the tentative decision was based.



B. Within 10 days of the date of the order the City shall provide written notice of the tentative decision to the applicant, the Planning Commission, property owners within 250 feet of the external boundaries of the property, and to the following list of interested agencies:

1. State Agencies.

- a. Division of State Lands.
- b. Department of Fish and Wildlife.
- c. Department of Environmental Quality.
- d. Water Resources Department (uses including appropriation of water only).
- e. Department of Geology and Mineral Industries (mining and mineral extraction only).
- f. Department of Energy (generating and other energy facilities only).
- g. Department of Economic Development (dock, industrial and port facilities, and marinas only).

2. Federal Agencies.

- a. U.S. Army Corps of Engineers.
- b. National Marine Fisheries Service.
- c. U.S. Fish and Wildlife Service.

**17.370.070 Final Order**

The tentative decision shall become final 15 days from the date the order is mailed.

**17.370.080 Appeal**

Prior to the date that the decision becomes final, a person or agency may appeal the tentative decision by filing an appeal with the Department. The Planning Commission shall hear the appeal at a public hearing in accordance with the applicable procedures of CBDC 17.130, Procedures.



## Chapter 17.372 Cultural Resources

### Sections:

- 17.372.010 Purpose
- 17.372.020 General Provisions
- 17.372.030 Development, Alteration, or Demolition of Cultural Resources
- 17.372.040 Hearing
- 17.372.050 Decision
- 17.372.060 Waiting Period
- 17.372.070 Conditions
- 17.372.080 Maintenance and Repair

#### 17.372.010 Purpose

The recognition, protection, enhancement, recovery, and adaptive use of cultural resources embodying Coos Bay's historical heritage can improve civic identity and add cultural and educational enrichment. The purpose of the following regulations is to: Identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses; Promote the continued use of historic buildings without detrimentally affecting their significance; Enhance the visual character of the City by encouraging the renovation of historic structures; Foster public appreciation and a sense of community identity based on the beauty and heritage of the City; and Protect and enhance the City's attraction to residents, tourists, and visitors.

#### 17.372.020 General Provisions

Any property identified as a cultural resource shall not be developed, altered, remodeled, relocated, or demolished if this activity will detrimentally affect the significance of the resource. Determination of a site's significance and consideration of the proposed changes against the site's cultural value shall be made in accordance with the provisions of CBDC 17.372.

#### 17.372.020 Development, Alteration, or Demolition of Cultural Resources

- A. General. This section establishes the procedure to determine the site's significance and to weigh potential conflicts between conservation and alteration or removal before approval of any such activity.



- B. Application. Prior to the issuance of any general or specific development permit, the property owner or authorized agent shall provide the Department, as applicable:
1. Property legal description.
  2. Plans or drawings showing the property and existing building dimensions and the character or details of the exterior, structural alterations (including additions), and, if a demolition is planned, the proposed use of the site.
  3. Statement explaining why the resource should or should not be preserved or protected. Supporting evidence from a qualified resource specialist is encouraged.
  4. If a demolition is proposed, a statement from the State Historic Preservation Office relating to the resource's value and a structural survey by the building official.
  5. If an archaeological site will be disturbed, proof that the Coos, Siuslaw, and Lower Umpqua Tribal Council and the State Historic Preservation Office have been notified and given the opportunity to respond.
- C. Exception. A cultural resource permit shall not be required of a certified cultural resource if:
1. The owner or agent has received a special assessment for historic properties from the State Historic Preservation Office; and
  2. The approval of special assessment includes a review of the proposed development, alteration, or remodel.

To be eligible for this exception, the owner or agent shall submit plans for the work and documentation that these plans have received state approval. If a development or building permit is issued for the work, the City shall assure that the work is completed in conformance with the state-approved plan.

### **17.372.030 Hearing**

The Planning Commission shall conduct a Type III hearing prior to the designation, development, alteration, or demolition of a cultural resource.



#### **17.372.040 Decision**

The Planning Commission shall approve, conditionally approve, or deny an application after adopting findings of fact based on substantial evidence in the record.

- A. Cultural Resource Value. The Commission must make findings to support at least one of the following conclusions:
  - 1. The resource exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
  - 2. The resource is identified with persons or events significant in local, state, or national history; or
  - 3. The resource is representative of the notable work of a builder, designer, or architect; or
  - 4. The resource embodies distinctive characteristics of a style, type, period, or method of construction or is valuable as an example of the use of indigenous materials or craftsmanship.
- B. Development, Alteration, or Relocation of a Structure. The Commission must make findings to support the conclusion that the proposal is compatible with the character and value of the resource. Applicable criteria include:
  - 1. Building coverage and height;
  - 2. Yards;
  - 3. Predominant architectural features and fixtures, appurtenances, or detailing;
  - 4. Building materials; and
  - 5. Visual characteristics, such as paint color and surface texture, grading, surface paving, and landscaping.
- C. Demolition of a Structure or Disturbance of an Archaeological Resource. Prior to issuance of a permit to demolish a structure or disturb a resource, the Commission must make findings to support all of the following conclusions:
  - 1. All feasible and prudent alternatives to the proposed activity have been explored;



2. Whether it is feasible to maintain or preserve the resource, and
3. The proposed use is compatible with the zoning and current use of the land and its immediate surroundings.

#### **17.372.050 Waiting Period**

If a demolition or disturbance to an historic or archaeological site is proposed, the Commission may impose a waiting period up to 120 days to enable the applicant to seek other alternatives. If the demolition of a structure is proposed, the alternatives shall include but not be limited to:

- A. Public or private acquisition and restoration;
- B. Sale of the premises to a party capable of maintaining, restoring, or relocating the resource; and
- C. Salvage of Significant Features. If a disturbance to an archaeological site is proposed, or a previously unknown or unrecorded archaeological site is encountered during the development, the alternatives shall include but not be limited to:
  1. Clustering development to avoid disturbing the resource;
  2. Designing the development so that the sensitive resource area is used for non-impacting activities, such as storage, parking, or open space;
  3. If permitted pursuant to the requirements of state law, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reintering the human remains in accordance with the wishes of Tribal Council; and
  4. Using civic means to ensure adequate protection of the resources such as acquisition of easements, public dedications, or transfer of title.
- D. At the next regularly scheduled Commission meeting after the end of the waiting period, the Commission shall reconsider evidence that alternatives were pursued in good faith and shall evaluate this information against the decision criteria CBDC 17.372.040.

#### **17.372.060 Conditions**

The Planning Commission may impose other conditions deemed to be necessary to ensure the value of the resource will be protected. These conditions shall be stated in terms that are specific and



measurable so the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished.

- A. These conditions may include those specified in CBDC 17.325, Conditional Uses.
- B. File a pictorial or graphic record of the structure with the Department prior to alteration or demolition.

#### **17.372.070 Maintenance and Repair**

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance. This chapter shall not prevent the construction, reconstruction, alteration, restoration, demolition or removal of any feature if the building official certifies to the Commission that the action is required for public safety by the State Structural Specialty Code.