



CITY OF COOS BAY

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April 3, 2018

TO: Planning Commission
FROM: Debbie Erler, Planner 1
SUBJECT: Draft Proposed Amendments to the Development Code
Coos Bay Municipal Code, Title 18

The attached report outlines the section of the Development Code proposed to be amended, as discussed at the February 13th Planning Commission hearing. There is an explanation of why the amendment is being proposed. It is followed by the section of the code proposed to be amendment with the proposed amendments ***bold, italic and underlined***. Any text proposed to be removed is ~~strikethrough~~.

Staff added a few amendments regarding issues that have arisen since the Development Code rewrite in March of 2016.

Upon the Planning Commissions review and comments, staff will start the official application process and public notices as required by the State and our Development Code.

If you have any questions, please let me know

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A. Proposed Development Code Amendment 1

Chapter	17.220	Low Density Residential Districts (LDR-6, LDR-8.5)
Section	17.220.050	Density Requirements (Table).

Eliminate the maximum lot size restriction in the LDR-6, LDR-8.5 Zoning District.

History/Issue

Prior to the Development Code rewrite in March of 2016 the City of Coos Bay did not restrict the maximum lot size in any district. Since the restriction was imposed on minimum lot size in the LDR-6, LDR-8.5 zoning district a number of issues have emerged. Due to topographical issues on a majority of the remaining undeveloped lot/parcels larger lots will be necessary. Approval of a variance to the maximum lot size is now required in a lot of partitions and property line adjustment involving lot/parcels that already exceed the maximum. This is not a good or intended purpose of a variance process, especially since the issue comes up on a regular basis.

**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 Uses.
17.220.040 Height regulations.
17.220.050 Density requirements.
17.220.060 Lot coverage and dimensions.

17.220.050 Density requirements.

- (1) New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for minimum and maximum density in Table 17.220.050, Density Requirements.
- (2) Lots created for drainage facilities, parks, open space, wetlands and buffers, and utilities shall not be subject to maximum lot size requirements.
- (3) Newly created lots in a proposed land division must average within 10 percent of 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 Acre¹
LDR-6	6,000	5,000	7,500	6
LDR-8.5	8,500	6,000	15,000	4

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

B. **Proposed Development Code Amendment 2**

Chapter 17.230 Commercial Districts (C AND MX)

1. Section 17.230.020 Uses (Table).

Update use table to include uses that was omitted during the March 2016 Development Code update.

2. Section 17.230.030 (1) Development standards.

(1) *Revised sentence 2 to read “Site plan review is required for all new development, **additions other than storage under 500 square feet** and modifications **the change of use** to existing permitted development unless expressly exempted by this title”.*

3. Section 17.230.030 Development Standards (Table).

Eliminate “Maximum height” restriction in the “Commercial” zone and add “None other than those imposed by the Building Code”.

4. Section 17.230.030 (3).

Add (iv) There shall be no setback restrictions in the Commercial zone other than those imposed by the Building Code, unless otherwise noted in Table 17.230.030 and update Table 17.230.030

History/Issue

The definition of “Modification” is to make a limited change in something. Interior, changes to existing structures such as partition walls, mechanical, new/upgraded restrooms and exterior changes such as new windows, doors, awnings, should not be subject to a Site Plan Review.

A “Change of Use” is something that could justify the need for a Site Plan Review. Recent examples of this would be a change of use from automobile repair to laundry distribution facility, medical supply sales/rental to dog day care, warehouse to pizza parlor. It would also apply to a change from offices to retail sales or personal services. These types of changes also require a building code permit for change of use/occupancy, to very compliance items such as Fire/Life Safety sections of the State Building Codes.

Prior to the Development Code rewrite in March of 2016 the Development Code did not restrict height or setbacks in the Commercial zones. The Planning Commission and Staff have expressed concern over the imposed restrictions.

Prior to the Development Code rewrite in March of 2016 the City of Coos Bay had progress commercial zoning language that allowed the list of permitted and conditionally permitted uses to expand upon the previous commercial zone; therefore, not requiring

the list to be repeated in each of the three zoning districts Central-Commercial (C-1), General-Commercial C-2 and Industrial-Commercial (I-C).

For example, in the General-Commercial (C-2) zoning district Permitted Uses: *The following uses are permitted in the C-2 zoning district: Except for the use, bus shelter, all uses permitted and conditional in the C-1 zoning district.*

The Development Code Rewrite, did not take the progress zoning into account; Therefore, The Use table listed in the Mixed (MX)/Commercial (C) and Industrial-Commercial (I-C) zoning districts are incomplete.

Staff would like to add the “Permitted/Conditionally Permitted” uses as listed in the previous Development Code, the current table complete the list of uses as intended.

The prior Development Code did not restrict setbacks (regulated by Building Codes) or height of commercial buildings. Planning Commission and Staff have expressed concerns about this new limitation on future development.

Chapter 17.230 COMMERCIAL DISTRICTS (C AND MX)

Sections:

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

17.230.020 Uses.

The uses set out in Table 17.230.020 are examples of uses allowable in the commercial and mixed-use districts. Where a specific use is not listed in the table the director shall determine the most appropriate similar use in the table
P = Permitted use; C = Conditional use; X = Prohibited use.

Table 17.230.020 – Uses

Use	C	MX
Residential		
Residential uses above the ground floor or story and up to 30% of ground floor or story	P	P
Existing single-family residential uses may be rebuilt if discontinued for a period of not less than 24 months	P	P
Tourist habitation/bed and breakfast/home occupations	P	P
Medium density residential	C	P
Retail Sales – Food		
Markets in excess of 15,000 square feet gross floor area	P	C
Markets – under 15,000 square feet of gross floor area	P	P
Bakery – primarily retail outlet (greater than 10,000 square feet of gross floor area)	P	P

Table 17.230.020 – Uses

Use	C	MX
Bakery – primarily retail outlet (less than 10,000 square feet of gross floor area)	P	C
Retail Sales – General		
General retailer (over 25,000 square feet gross floor area)	P	P
General retailer (under 25,000 square feet gross floor area)	P	C
Single purpose/specialty retailers (less than 10,000 square feet gross floor area)	P	P
Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)	P	C
Yard and garden supplies, including nurseries	P	X
Adult entertainment	C	X
Retail Sales – Restaurants, Drinking Establishments		
Restaurants	P	P
Restaurants, with associated drinking places, alcoholic beverages	P	P
Drive-through, drive-in or drive-up facilities	C	C
Retail Sales and Services – Automotive and Related		
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	P
Commercial off-street parking facilities	P	C
Vehicle towing and storage services	P	X
Transportation terminals		
– Freight	C	X
– People	P	P
Retail Sales – Building Material and Farm Equipment		
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

Table 17.230.020 – Uses

Use	C	MX
Hay, grain, and feed stores	P	X
Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site and within an entirely enclosed building.)		
Uses of less than 10,000 square feet gross floor area	P	P
Uses of 10,000 square feet gross floor area or greater	P	P

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Services – Personal		
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
Services – General		
Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (less than 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 (mini-storage)	C	X
Financial services	P	P
Event facilities (less than 10,000 square feet)	P	C
Event facilities (greater than 10,000 square feet)	P	P
RV storage	P	C
Services – Lodging Places		
Hotels/motels	P	P
Recreational vehicle parks and campgrounds	C	X
Services – Medical and Health		
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	C
Ambulance services	P	P
Residential care homes	C	C
Services – Professional Office		
Professional offices	P	P
Artists/photographic studios	P	P
Services – Amusement		
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
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	C	X
Services – Educational		
Nursery schools, preschools	P	C
Day care facilities	P	P
Libraries	P	P
Vocational schools	P	C
Artistic studios and schools including but not limited to dance, music and martial arts (less than 10,000 square feet)	P	P
Artistic studios and schools including but not limited to dance, music and martial arts (greater than 10,000 square feet)	P	C
Public parks, parkways, recreation facilities, trails and related facilities	P	C
Public/private educational institutions	P	C
Services – Membership Organizations		
Business, professional and religious (not including churches)	P	P
Civic, social, fraternal, charitable, labor and political (less than 5,000 square feet)	P	P
Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)	P	P
Churches	C	C
Distribution Facilities (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 25,000 and 50,000 square feet gross floor area	C	X
Public Services and Facilities		
Buildings entirely dedicated to public services, such as city hall, police and fire substations	P	P
Sewer, water and utility transmission lines	P	C
Wireless communications facilities	P	P
Museums, historic and cultural exhibits and the like	P	P
U.S. post offices	P	P
Public transit facilities including park and ride facilities	P	P
Accessory Uses and Activities		
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	X	X
Drive-through or drive-up facilities	C	C
Open Air Activities		
– Open air display of plants and produce in conjunction with a permitted use	P	P
– Open air storage of materials	C	C
– Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in	P	P

conjunction with a permitted commercial use, unless otherwise prohibited by this title		
– Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	P	C
Other Uses		
Temporary uses	P	P
Solid waste handling and disposal sites	X	X

17.230.030 Development standards.

(1) New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 17.230.030. Site plan review is required for all new development, **additions other than storage under 500 square feet and modifications the change of use** and modifications to existing permitted development unless expressly exempted by this title.

(2) Landscaping.

- (a) In commercial and mixed-use zoning districts, not less than 15 percent 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 ratio.
- (b) All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.
- (c) All storage and trash areas must be enclosed and screened from public view.

(3) Development Standards.

- (a) Residential/Commercial. All residential or mixed residential/commercial areas shall provide a minimum of eight residential units per net acre and a maximum of 24 residential units per net acre.
- (b) Lot Standards.
 - (i) All development applications in the MX zone shall comply with the applicable standards for lot area dimensions, building height, and setbacks in Table 17.230.030.
 - (ii) Single-family structures that are used for accessory commercial uses shall use the single-family attached/detached development standards.
 - (iii) The maximum building height shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerials, and cupolas.
 - (iv) There shall be no setback restrictions in the Commercial zone other than those imposed by the Building Code, unless otherwise noted.**

Table 17.230.030 – Lot Standards

Standard	Commercial	Multifamily	Single/Multifamily	
			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 lot area	1,400 sf	1,400 sf	1,400 sf	3,000 sf
Maximum lot area	N/A	N/A	N/A	15,000 sf
Maximum lot coverage	85%	85%	75%	60%
Maximum height	35 feet <u>N/A</u>	35 feet	35 feet	35 feet
Minimum front setback	5 feet <u>N/A</u>	10 feet	10 feet	10 feet
Min. garage/ <u>bay door</u> setback from public street	20 feet	20 feet	20 feet	20 feet

Table 17.230.030 – Lot Standards

Standard	Commercial	Multifamily	Single/Multifamily	
			Attached	Detached
Minimum garage setback from alley	20 feet <u>N/A</u>	20 feet	20 feet	20 feet
Minimum side setback	0 feet attached or 10 feet abutting single-family <u>zone</u>	0 feet attached or 10 feet abutting single-family	0 feet attached, 4 feet nonattached	4 feet
Minimum street side setback	0 feet <u>N/A</u>	0 feet	10 feet	10 feet
Minimum rear setback	10 feet <u>10 feet abutting single-family zone</u>	10 feet	10 feet	10 feet

C. **Proposed Development Code Amendment 3**

Chapter 17.235 Industrial-Commercial District (I-C)
Section 17.235.020 Uses (Table)

Update use table to include uses that was omitted during the March 2016 Development Code update.

History/Issue

Prior to the Development Code rewrite in March of 2016 the City of Coos Bay had progressive commercial zoning language that allowed the list of permitted and conditionally permitted uses to expand upon the previous commercial zone; therefore, not requiring the list to be repeated in each of the three zoning districts Central-Commercial (C-1), General-Commercial C-2 and Industrial-Commercial (I-C).

For example, in the Industrial-Commercial (I-C) zoning district Permitted Uses: *The following uses are permitted in the I-C zoning district: Except for the use, bus shelter, all uses permitted and conditional in the C-2 zoning district.*

The Development Code Rewrite, did not take the progressive zoning into account; Therefore, The Use table listed in the Mixed (MX)/Commercial (C) and Industrial-Commercial (I-C) zoning districts are incomplete. Staff would like to add the “Permitted/Conditionally Permitted” uses as listed in the previous Development Code, the current table complete the list of uses as intended.

Prior to the Development Code also did not restrict height or setbacks in the Industrial-Commercial zone. The Planning Commission and Staff have expressed concern over the imposed restrictions.

Update Dimensional Requirements table to indicates “No requirement other than those imposed by the Building Code.

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-commercial development standards.

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 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

Table 17.235.020 – I-C Uses

Uses	I-C
Art galleries, libraries and museums	P
Asphalt plants	X
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	C
Clubs, lodges, fraternal institutions and other places of assembly for membership groups	
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
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

Table 17.235.020 – I-C Uses

Uses	I-C
Marijuana processing	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
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	X
Residences of all types, when located on upper floors, in the rear of, or otherwise clearly secondary to commercial buildings	P
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/hotel/motel	P
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 nonhazardous raw materials and finished products	P
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 50,000 square feet of enclosed gross floor area	P

Table 17.235.020 – I-C Uses

Uses	I-C
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

[Ord. 486 § 2, 2017; Ord. 473 § 3 (Exh. A), 2016].

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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	40 feet <u>No requirement other than those imposed by the Building Code</u>
Side and rear yard building setback	5 feet <u>No requirement other than those imposed by the Building Code</u>
Minimum distance between principal buildings	30 feet <u>No requirement other than those imposed by the Building Code</u>
Maximum building coverage	No requirement
Maximum height	None <u>No requirement other than those imposed by the Building Code</u>

[Ord. 473 § 3 (Exh. A), 2016].

D. **Proposed Development Code Amendment 4**

Chapter 17.240 Waterfront Heritage District (WH)
Section 17.240.080 Architectural design. (5) Signage

History/Issue

There have been recent issues regarding the signage restriction for property within the district that about N Bayshore (HWY 101).

Proposed revision to (5E)(vii) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated is prohibited, except along North Bayshore Drive (U.S. HWY 101).

To eliminate the future possibility of excessive signage along the highway staff is proposing the addition of (5E)(xiv) *Off-Premises sign are prohibited.*

**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 Preexisting uses.
- 17.240.070 Property development requirements.
- 17.240.080 Architectural design.

17.240.080 Architectural design.

(5) Signage. Signs will be reviewed by the design assistance team (DAT) based on the standards set forth below. A sign permit is also required which will be reviewed by staff pursuant to the provisions in Chapter 17.337 CBDC, Signs. If the provisions conflict, the stricter shall apply.

- (a) 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.
- (b) 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.

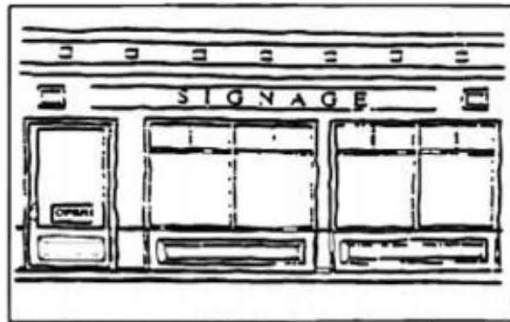
(c) Signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot. Signs shall not be closer than two feet to any curbline. A projecting sign shall not project more than eight feet beyond the property line.

(d) All signs shall:

- (i) Be of an appropriate size and design;
- (ii) Be sited sympathetically on the building;
- (iii) Not obscure or remove detailing on the building;
- (iv) Be designed as part of the building and not treated as an unrelated addition; and
- (v) Be related to the style and character of the building and general area.

(e) Allowed Sign Types.

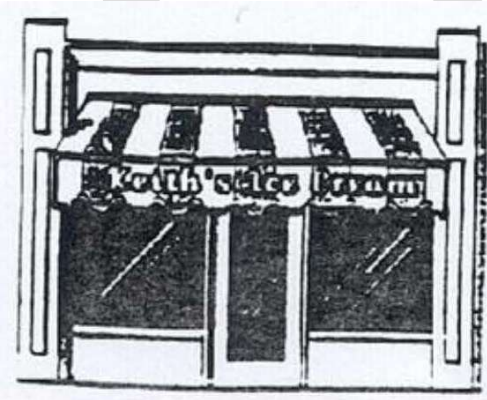
- (i) "Wall/fascia sign" means a sign placed on the vertical surface of a wall or fascia where the wall or fascia is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.



- (ii) "Projecting or hanging sign" means a sign where the message area is displayed perpendicular to the building fascia.



(iii) "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.



(iv) "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.

(v) 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.

(vi) 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.

(vii) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current is prohibited, **except abutting/along North Bayshore Dr. (U.S. HWY 101).**

(viii) Sandwich Board. Portable signs that are not permanently affixed to the ground or a structure are prohibited.

(xiv) Off-Premises sign are prohibited.

E. **Proposed Development Code Amendment 5**

Chapter	17.320	Site Plan Review
Section	17.320.060	Criteria for site plan approval.

Revise "Approval Criteria"

History/Issue

There has been concern expressed by the Planning Commission that the current approval criteria do not have subjective elements that require their review/approval and that each of the current approval criteria can be regulated by staff during their permit review process, based on current codes. Also consider revising other approval criteria that seem to repeat, including (2)(G) & (H).

Development Code Language prior to the rewrite in March of 2016.

The intent of the Site Plan and Architectural Review process was to establish how, to establish how, not whether, a development may occur, and shall not affect dwelling unit densities, although conditions may be imposed which are necessary for a development to achieve the minimum requirements of this ordinance.

1. *The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.*
2. *The public and private sewerage and water facilities provided by the development are adequate in location, size, design, and timing of construction to serve the residents or establishments. These facilities meet City standards and relevant policies of the comprehensive plan and provide adequate fire protection.*
3. *The grading and contouring of the site and how site surface drainage and/or on-site surface water storage facilities are constructed to ensure that there is no adverse effect on neighboring properties, public right of way, or the public storm drainage system; and that the site development work will take place in accordance with City policies and practices.*
4. *Based on anticipated vehicular and pedestrian traffic generation, adequate rights of way and improvements to streets, pedestrian ways, bikeways, and other ways are provided to promote safety, reduce congestion, and provide emergency equipment access.*
5. *There are adequate off-street parking and loading facilities provided in a safe, well designed, and efficient manner.*
6. *Adequate dedication or reservation of real property for public use, as well as for easements and right of entry for construction, maintenance, and future expansion of public facilities are addressed.*
7. *The structural design, location, size, and materials used for buildings, walls, fences, berms, traffic islands, median areas, and signs serve their intended purposes.*
8. *Other property development requirements of the zoning district are satisfied.*

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](#) Appeals.
- [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.

17.320.060 Criteria for site plan approval.

- (1) 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.
- (2) 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 of 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:
 - (a) The proposed use is permitted within the district in which it is located;
 - (b) The proposal meets the development standards and the lot, yard, building, height and other dimensional requirements of the district within which it is located;
 - (c) The proposal meets the **Supplemental Development Standards (fencing, solid waste, lighting, noise, landscaping)** screening, buffering and landscape strip requirements, as set forth in Chapter [17.362](#) CBDC, Supplemental Development Standards;
 - (d) **The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings**
 - ~~(d)~~(e) Minimum parking and loading space requirements are met, as required by Chapter [17.340](#) CBDC, Off-Street Parking and Loading Requirements;
 - ~~(e)~~ Improvement requirements are provided in accordance with the applicable sections of the Coos Bay development code;

- (f) All conditions of any applicable previous approvals, e.g. conditional use, have been met;
- ~~(g)~~ ~~Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication;~~
- ~~(h)~~ **(g)** 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
- ~~(i)~~ **(h)** Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

[Ord. 473 § 3 (Exh. A), 2016].

F. **Proposed Development Code Amendment 6**

Chapter	17.330	Variances
Section	17.330.060	Criteria for site plan approval.

Revise "Approval Criteria"

History/Issue

There has been concern expressed by the Planning Commission about the ability to meet all four approval criteria. The prior Development required that three of the four approval criteria be satisfied.

**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.

17.330.040 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.

- (1) The variance is the minimum variance necessary to make reasonable use of the property.
- (2) 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.
- (3) The need for the variance was not created by the applicant and/or owner requesting the variance.
- (4) 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. [Ord. 473 § 3 (Exh. A), 2016].

G. Proposed Development Code Amendment 7

Chapter	17.335	Home Occupation
Section	17.335.010	General
Section	17.335.020	Approval criteria.

Either add back the requirement for a CUP for retail sales and for more than one non-resident employee or prohibit the uses.

History/Issue

The prior Development Code required approval of a Conditional Use Permit prior to establishing retail sales in a residence and if more than one non-resident employee would be on premises.

Development Code Language prior to the rewrite in March of 2016.

2. *All home occupations are subject to the approval of a special permit by submitting an application to the Public Works and Development Department.*
 - A. *Staff-approved: Except for those home occupations under B, home occupations may be approved by staff provided that all the requirements listed in this chapter are satisfied by the applicant. However, staff may refer the review and approval of any permit to the Planning Commission. Any decision of the staff may be appealed to the Commission in accordance with Chapter 5.4.*
 - B. *Planning Commission approval: Home occupations with the following characteristics are permitted only after securing a conditional use permit in accordance with Chapter 5.13. All other requirements listed in this chapter must also be satisfied by the applicant.*
 1. *Retail sales on the premises.*
 2. *More than one non-resident employee or associate working on the premises some or all of the time. The permit shall be effective for three years. Extensions may be approved by filing a new conditional use application.*

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.

(1) 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.

(2) All home occupations applications are subject to review and approval of a special permit. The director shall review these applications using a Type I review procedure 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, Appeal.

(3) Home occupations with the following characteristics are permitted only after securing a conditional use permit in accordance with Chapter 17.325. All other requirements listed in this chapter must also be satisfied by the applicant. An applicant or aggrieved person may appeal a decision to the City Council consistent with CBDC 17.130.130, Appeal.

1. Retail sales on the premises.

2. More than one non-resident employee or associate working on the premises some or all of the time. The permit shall be effective for three years. Extensions may be approved by filing a new conditional use application.

Or prohibit retail sales

17.335.020 Approval criteria.

(1) Employees. One nonresident associate or employee is allowed to work on the premises.

(2) Area. The use shall not occupy more than 30 percent of the existing building coverage of the property.

(3) Structure.

(a) 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.

(b) 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.

(4) Equipment and Storage.

(a) 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.

(b) Outside storage of equipment, products, or materials used in or serviced by the home occupation, other than plant materials, are prohibited.

(5) 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.

(6) Traffic and Parking. Vehicles associated with the home occupation shall not cause a disturbance or inconvenience to nearby residents.

(7) Signs. Only one nonilluminated sign shall be permitted. The sign shall not exceed four square feet and shall bear only the name and/or occupation of the resident.

(8) Use. Retail Sales on premises is prohibited.

~~[Ord. 473 § 3 (Exh. A), 2016].~~

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.

[Ord. 473 § 3 (Exh. A), 2016].

17.335.040 Revocation.

The planning commission, through 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. [Ord. 473 § 3 (Exh. A), 2016].

H. Proposed Development Code Amendment 8

Chapter	17.362	Supplementary Development Standards
Section	17.362.020	Height of fences and hedges

Revised the Section to include the option of a Site Plan Review for proposed fencing along the restricted fence areas.

History/Issue

The prior Development Code addressed proposed fencing that is over 8-feet in height and our current code does not. The code also required that the vision clearance area be considered when placing fencing. The code further allowed fencing in restricted areas with approval of a Site Plan Architectural Review. Some of this language was removed and staff has concerns and have experienced issues with the removal. The restricted area fencing is now only addressed in CBMC Title 8 Nuisance Ordinance, which prohibits fencing along waterways. There is no option for a variance.

Current Nuisance Code

CBMC 8.10.070 Fences. (3) *Fences exceeding four feet in height shall be prohibited on the bay side of Bayshore Drive north of Elrod Avenue, excepting that portion between Highland Avenue and Fir Avenue, on the bay side of South Empire Boulevard south of Newmark, and on the bay side of 6th Avenue south of "F" Street. [Ord. 409 § 2, 2008; Ord. 400 § 7, 2007].*

Development Code Language prior to the rewrite in March of 2016.

CBMC CHAPTER 3.7 FENCES AND WALLS

This chapter provides for the regulation of the height and location of fences, hedges, and walls and safeguards the public welfare by preventing visual obstructions at street and highway intersections. Nothing in this section shall set aside or reduce the requirements established for security fencing by either local, state, or federal law, or by safety requirements of any officially recognized public agency. The following regulations shall apply to all districts unless otherwise specified:

Section 2. PERMITTED FENCES AND WALLS

Fences and walls not greater than eight (8) feet in height shall be permitted on or within all property lines which are not within any vision clearance area. For any fence greater than eight (8) feet in height a setback from the property line of one (1) foot shall be provided for each additional foot or fraction of a foot.

Section 3. RESTRICTED FENCES AND WALLS

Fences or walls located in the following areas shall only be allowed subject to approval of a Site Plan and Architectural Review (Chapter 5.11):

- 1. The bayside of Bayshore Drive between Elrod Avenue and Highland Avenue.*
- 2. The bayside of Bayshore Drive north of Fir Avenue.*
- 3. The bayside of South Empire Blvd south of Newmark Avenue.*
- 4. The bayside of 6th Avenue south of "F" Street.*

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. [Ord. 473 § 3 (Exh. A), 2016].

17.362.020 Height of ~~H~~fences, walls and hedges.

~~(1) Front and Street Side Yards. Fences shall be no higher than eight feet (measured from ground level) within five feet of a front property line or street side property line. [Ord. 473 § 3 (Exh. A), 2016].~~

(1) Fences, walls and hedges not greater than eight (8) feet in height shall be permitted on or within all property lines which are not within any vision clearance area. For any fence greater than eight (8) feet in height a setback from the property line of one (1) foot shall be provided for each additional foot or fraction of a foot.

(2) Fences or walls located in the following areas shall only be allowed subject to approval of a Site Plan Review (CBMC Chapter 17.320):

- 1. The bayside of Bayshore Drive between Elrod Avenue and Highland Avenue.**
- 2. The bayside of Bayshore Drive north of Fir Avenue.**
- 3. The bayside of South Empire Blvd south of Newmark Avenue.**
- 4. The bayside of 6th Avenue south of "F" Street.**