

# City of Coos Bay Development Code (DRAFT)



*January 12, 2015*

## **DEVELOPMENT CODE**

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## **SECTION 1 – GENERAL ADMINISTRATION**

### **Chapters:**

- 17.110 General Provisions
- 17.120 Administration
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- 17.140 Definitions
- 17.150 Enforcement

### **Chapter 17.010 - GENERAL PROVISIONS**

#### **Sections:**

- 17.110.010 Title
- 17.110.020 Applicability
- 17.110.030 Standards Designated
- 17.110.040 Purpose
- 17.110.050 Organization
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- 17.110.070 Hierarchy of Plans and Regulations
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- 17.110.090 More Restrictive Provisions Govern
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#### **17.110.010 Title**

This document shall be 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 established by this title are determined to be the minimum requirements in the interest of public health, safety and general welfare. The City may impose conditions of approval beyond the standards identified herein in order 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); to encourage appropriate use of land; to conserve and stabilize the value of property; to aid in

rendering of fire and police protection; to provide adequate open space for all types of recreation; to lessen the congestion on streets; to create orderly growth within the City and UGA, to distribute population wisely; to improve the City's appearance; to facilitate adequate provision of urban level utilities and facilities such as water, sewage, electrical distribution, transportation, schools, parks, and other public requirements; and in general to promote public health safety and general welfare.

#### **17.110.050 Organization**

The text of the CBDC is organized as follows:

- A. Title. The Coos Bay Development Code (CBDC) is divided into three (3) Sections: 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 1.040, 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**

The Coos Bay City Council hereby declares that should any section, paragraph, sentence, or word of this Chapter be declared for any reason to be void or unconstitutional, it is hereby provided that all other parts of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

## **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**

There is hereby created the Coos Bay Planning Commission (the Commission) to 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 shall be that individual or governing body delegated with the responsibility of issuing a final decision on a land use proposal. The review authority responsible for issuing final decision for land use proposals shall be as follows:

- A. Type I application, Community Development Director,
- B. Type II application, Community Development 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 under Section 1.030.080 CBDC.

#### **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 Community Development Director shall be 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 shall be the responsible official for the purpose of administering the International Fire Code, 15.05.030(2) CBDC.

#### **17.120.070 Enforcement**

It shall be the duty of the review authority to 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 Community Development 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	Vesting
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;
- 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 five 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 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. Identify 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 Section 17.030.050 CBDC 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 ten 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. When Information May be Excluded. 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. When Information is Missing. 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. 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:
- G. All the missing information;
- H. Some of the missing information and written notice from the applicant that no other information will be provided; or
- I. Written notice from the applicant that none of the missing information will be provided.
- J. 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.
- K. The 120 calendar day time line may be extended at the written request of the applicant.
- L. The applicant may amend the application up to and including fourteen (14) calendar days after the application has been deemed complete.
- M. 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 refiled as of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.
- N. 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 Section 50.25.7., the application will be deemed withdrawn.

#### **17.130.070 Approval Criteria**

The review authority shall approve an application for project 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 Section 17.130.130 CBDC or state that the applicant may apply for post-decision changes pursuant to Section 17.130.150 CBDC.

**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 Section 17.130.120 CBDC.
- 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.(J), 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 Section 17.030.120 CBDC.
- E. Appeal and Post-Decision Review. The Notice of Decision shall state the date by which the appeal must be filed pursuant to Section 17.130.130 CBDC or state that the applicant may apply for post-decision changes pursuant to Section 17.130.150 CBDC.

**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.J, 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 Section 17.130.120 CBDC. 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 Section 17.130.120 CBDC.
- 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. States 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 Section 17.130.120 CBDC.
- G. Appeal and Post-Decision Review. The Notice of Decision shall state the date by which the appeal must be filed pursuant to Section 17.130.130 CBDC or state that the applicant may apply for post-decision changes pursuant to Section 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 Section 17.130.120 CBDC
- 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 Planning Commission 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 Section 17.130.120 CBDC.
  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;
    - a. 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 Section 17.130.120(A) ;
  2. The date, time and place of the hearing;

3. A statement that the city 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;
  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;
    - 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.

**17.130.125 Expedited Land Division.**

An application for and any appeal of an expedited land division shall be subject to the process provisions in ORS 197.360 through ORS 197.380.

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

- B. 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 Section 17.130.100 CBDC.
- C. 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 Section 17.130.100 CBDC.

3. Review on the Record

- A. The record on appeal of a Type III decision shall be limited to:
  - 1. A factual report prepared by the Planning Director or the Director's designee.
  - 2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
  - 3. The written transcript or electronic recording of the hearing and a detailed summary of the evidence.
- B. 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.

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

- A. 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.
  - 1. Prejudice to the parties.
  - 2. Convenience or availability of evidence at the time of the initial hearing.
  - 3. Surprise to opposing parties.
  - 4. The competency, relevancy and materiality of the proposed testimony or other evidence.
  - 5. Such other factors as may be determined by the reviewing body to be appropriate.
- B. "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.

5. Review Body Decision

- A. 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.
  - 1. 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.
  - 2. 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.
  - 3. 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.
  - 4. When the appeal authority remands the matter back to the lower review body for such 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.
- B. 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. The review body shall render its decision no later than sixty (60) calendar days after the filing of the request for review and shall file that decision with the City Recorder 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 certain 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. Such 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. An application for post-decision review is not subject to pre-application review.
  - 2. An application for post-decision review is subject to technical completeness review, Section 17.130.050 CBDC; 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. Reduces the potential adverse impact 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 and
  - b. 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 fire wall. Any walled and roofed addition that is connected by a fire wall 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 that is 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.

Automobile 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, and other operating commodities for motor vehicles or boats. 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.

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 which advertising does not apply to the premises or any use of the premises wherein 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 City of Coos Bay, and (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and Contains provisions for making any development be in conformity with the site plan.

Blight - 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. Such structure may not be more than 12 feet high at the ridge. More than 50 percent of the total area of such 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 the minimum open space and yard setback requirements of this Ordinance have been complied with.

Buildable Land - Lands 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. A bus shelter must be substantially in conformance with the design and specifications set forth in Figure A at the end of this chapter.

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.

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. Must meet all 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.

Confectionery - An establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.

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 - Lands are contiguous if they actually adjoin each other and share a common boundary.

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.

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 top 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.

Dedication - The deliberate appropriation of land by the owner for any general and public uses, reserving to himself no other rights than such as one 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. The following are eating establishment use types:

- (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 utilize 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 other 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 (1) The vertical distance above or below a fixed reference level; or, (2) 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 such as, but not 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, are not 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 take the place of the Coos Bay Planning Commission as directed by the Coos Bay City Council and this Code.

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. (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. Such development 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 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. For a flag lot, the front lot line 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 within.

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 which 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 such a type of development could 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 Ordinance

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 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 - Any license, certificate, approval, or other entitlement for use granted by any public agency

Personal Service - Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like

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 planning commission, 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.

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 as long as dimensional requirements of off-street parking are met.

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 which 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 shall be deemed 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 is 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. The following are scrap operation use types:

- (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 retail business establishment supplying fuel and minor accessories and service for automobiles.

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 Authority.

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 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. Such 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.

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

**17.150.010 General Penalty – Continuing Violations**

(1) 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.

(2) 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.

(3) 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:

(1) 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.

(2) 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.

(3) The notice to abate shall contain:

(a) 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.

(b) A description of the nuisance.

(c) 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.

(d) A statement that failure to abate a nuisance may warrant imposition of a fine.

(e) 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.

- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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].

##### **17.310.020 Method of enforcement.**

- (1) 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.
- (2) 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.