

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE October 18, 2016	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Eric Day

THROUGH: Rodger Craddock

ISSUE: Low Density Residential-6; Text Amendment and Change in Zoning Designation

BACKGROUND:

The current Development Code for the City of Coos Bay was adopted in February 2016 by the City Council. In an effort to reduce the number of zoning districts in Coos Bay, the 24 previous zoning districts were consolidated into 13 districts. In the previous Development Code, one of the zoning districts was designated as Restricted Waterfront Residential (R-W). The R-W district is one that was eliminated and rolled into the Low Density Residential-6 (LDR-6) district.

Within the R-W zoning district, multi-family and zero lot line developments were an allowed use. These uses did not carryover into the new LDR-6 zoning. As it was not staffs intention to change any of the allowed uses within previous zonings this omission was in error.

Staff worked with the Planning Commission to correct the error by providing a solution that was as simple as possible. The solution that was reviewed by the commission was to create a zoning overlay to the LDR-6. Overlay districts are a common zoning map tool and, in some communities, are used in multiple areas for a variety of reasons. The overlay would place back into the code a development right that was previously allowed in the old R-W district but was not a part of the old R-2 zoning district which was the main zoning precursor to the LDR-6 district. The overlay map below follows the previous R-W zoning boundaries.



Additionally, some small changes to Tables 17.220.030 and 17.220.060 would need to be made and are identified below.

Table 17.220.030 Uses

Use	LDR-6	LDR-8.5
Residential Uses		
Single-family detached dwelling units	P	P
Duplexes	P	X
Multi-family*	P*	X
Manufactured homes	P	P
Manufactured home parks and subdivisions and related uses or structures	P	P
Zero lot line development*	P*	X
Adult care facilities	C	C
Foster care homes	C	C

* indicates a use only permitted in the LDR-6 overlay

In addition to the Uses matrix, Table 17.220.030 Lot Coverage and Dimensions is also proposed to be amended, as indicated below (numerical additions in bold lettering):

Table 17.220.060 Lot Coverage and Dimensions

District	Average Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Street Side Yard (feet)	Minimum Rear Yard (feet)
LDR-6	6,000	40	80	15	5	15	10
LDR-6 overlay	6,000	40	80	15	0*	15	0*
LDR-8.5	8,500	40	90	15	10	15	15

* Applies to zero lot line development projects only, perimeter parcel setbacks remain

If approved, these two changes would be included into the current Development Code to replace the respective current two tables and the official Coos Bay zoning map would be revised to include the overlay to the LDR-6 district as identified on the map above.

At its September meeting the Planning Commission held a public hearing on the application and took public testimony. After making a modification to the proposal stating that perimeter setbacks not be subject to zero-lot lines within the overlay area, the Planning Commission voted unanimously to recommend approval to the City Council.

ADVANTAGES:

There are no advantages to this application other than restoring property rights to owners within the old R-W zoning district.

DISADVANTAGES:

None

BUDGET IMPLICATIONS:

None

ACTION REQUESTED:

After the Council holds a public hearing, the Planning Commission and staff are recommending City Council enact the proposed ordinance for this text amendment and change in zoning designation application (#187-ZON16-026). Upon approval, there will be a 21-day appeal period after the final order is issued and the amendments will take affect 30-days after adoption.

ORDINANCE NO.###

AN ORDINANCE AMENDING COOS BAY MUNICIPAL CODE, TITLE 17, CHAPTER 17.220.030 & .040 AND PROVIDING A ZONING OVERLAY ON A PORTION OF THE LDR-6 DISTRICT FOR THE CITY OF COOS BAY.

WHEREAS, the City of Coos Bay initiated a Development Code amendment and Rezone on June 23, 2016 to amend Coos Bay Ordinance 93 which is codified as Coos Bay Municipal Code Chapter 17.

WHEREAS, notice that a public hearing was held before the City of Coos Bay Planning Commission on September 14, 2016 and a public hearing would be held before the Coos Bay City Council on October 18, 2016, and it was published in "The World", a newspaper of general circulation within Coos County, Oregon on August 11, 2016 and August 25, 2016.

WHEREAS, provisions in the Coos Bay Municipal Code relating to mailed notice have been complied with; and,

WHEREAS, after receiving evidence and hearing testimony at the September 14, 2016 hearing, the Commission recommended the City Council approve the requested text amendment and rezone which would allow multi-family uses and zero lot line development (defined as internal, non-perimeter boundaries of a parcel) in the portion of the LDR-6 Zoning District that had previously had such permitted uses.

WHEREAS, after considering the Commission's Findings and Justification and after receiving evidence and hearing testimony at the October 18, 2016 hearing, the City Council of the City of Coos Bay, adopted the Findings and Justifications, and approved the proposed text amendment.

NOW THEREFORE, the City Council of City of Coos Bay ordains the following:

- Section 1.** Provide a zoning overlay on the portion of the LDR-6 in the northeast section of the City of Coos Bay that had been in the R-W zoning district under the previous Development Code, an area that was initially classified as R-W in 1974.
- Section 2.** Amend the official City of Coos Bay zoning map to include an LDR-6 overlay on the area identified on Attachment A.
- Section 3.** Amend Table 17.220.030 Uses by adding the following categories: Multi-family and Zero Lot Line Development and identifying that those options are only available in the LDR-6 overlay.
- Section 4.** Amend Table 17.220.060 Lot Coverage and Dimensions by adding the following: 0 minimum Side Yard and minimum Rear Yard setbacks in the LDR-6 overlay and identifying those options are for Zero Lot Line projects and still require that perimeter parent parcel setbacks be five (5) feet.

Section 5. The sections and subsections of this Ordinance are servable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 6. This Ordinance shall take effect 30 days after enactment by the City Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the _____ day of October 2016.

Yes:

No:

Absent:

Crystal Shoji
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Susanne Baker
Deputy Recorder of the City of Coos Bay
Coos County, Oregon



STAFF REPORT

Development Code Legislative Text Amendment and Rezone

REVIEWER: Tom Dixon, Planning Administrator

HEARING: Planning Commission

DATE & TIME: September 14, 2016 at 6:00 p.m.

LOCATION: City Council Chambers, City Hall, 500 Central Avenue, Coos Bay

APPLICANT: City of Coos Bay, 500 Central Avenue,
Coos Bay, Oregon

CASE FILE/SUBJECT: **#187-ZON16-026: Text Amendment and Change in Zoning Designation Applications. The purpose being to create a zoning overlay on certain properties in the LDR-6 zoning district that would allow multi-family uses and zero lot line developments. These were previously permitted on properties designated as R-W (Restricted Waterfront Residential) before adoption of the current Development Code. This amendment would restore these uses to those properties within the overlay area.**

I. APPLICANT'S REQUEST

The City of Coos Bay, as applicant, is initiating a text amendment and a change in zoning designation to address prior uses in the former R-W zone district. As described above, an overlay district is proposed to be placed on properties in the northwest portion of the City that had previously been designated R-W. When the R-W district was abolished and became folded into the LDR-6 district with the adoption of the new Development Code, some prior uses that were in the R-W district were eliminated. The proposed amendment and change in zoning designation is intended to restore the multi-family and zero lot line uses within the proposed overlay area.

II. BACKGROUND

The currently Development Code for the City of Coos Bay was adopted February 16, 2016 by the City Council and had an effective date of March 18, 2016. In the previous Development Code, one of the zoning districts was designated R-W and titled as Restricted Waterfront Residential. Within the R-W zoning district, certain land use types were listed including multi-family and zero lot line

development. In an effort to reduce the burdensome number of zoning districts in Coos Bay, some of which were redundancies or relatively undefined, the 24 zoning districts were compressed and consolidated into 13 districts, some of which broadened use categories in their new and respective categories. The R-W district is one that was eliminated and thus, all prior R-W areas of the City were transferred into the LDR-6 district. It should be noted that the R-W zoning district that was recently eliminated originally derived from the 1974 City of Coos Bay Community Code which was the predecessor to the City's Development Code.

It has recently come to staff's attention that by incorporating the prior R-W district into the new LDR-6, particular aspects of development were abolished that were essential elements of the former R-W district. In order to maximize both development potential and project incentives, it was suggested that staff find a means to resurrect the multi-family and zero lot line development options that were a key real estate prerogative of the R-W district.

To ameliorate this dilemma and to provide a solution that was as simple as possible, a zoning overlay to the LDR-6 has been proposed. The overlay would place back into the Code a development right that was previously allowed in the R-W but was not part of the original R-2 zoning district which was the precursor to the LDR-6 district. The overlay map follows the previous R-W zoning boundaries and clearly depicts the area of impact in the northwest portion of Coos Bay (the overlay is not applied to a much smaller area on the eastside that also had the previous R-W designation). Overlay districts are a common zoning map tool and, in some communities, is used in multiple areas and for a variety of reasons.

Under Section IV, below, proposed changes to the matrix of Table 17.220.030 are identified. In addition, alterations to Table 17.220.060 are also being proposed to reflect the modified requirements of zero lot line development. If approved, these two matrices would be inserted into the adopted Development Code to replace the respective current two matrices and the official Coos Bay zoning map would be revised to include the overlay to the LDR-6 district as identified on the map included as Attachment A.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17.215 Plan Amendments and Zone Changes
Coos Bay Municipal Code Chapter CBMC 17.220 Low Density Residential Districts

IV. STAFF RECOMMENDATION

Staff prepared the following report based on the proposed Development Code modifications. The project file and information is available at City Hall and the project is evaluated under City of Coos Bay Land Development Code (CBMC Title 17), as detailed above. The existing Uses matrix, under Table 17.220.030, below, is proposed to be adjusted to include the following categories (in bold lettering) in the LDR-6 category:

Table 17.220.030 Uses

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

In addition to the Uses matrix, Table 17.220.030 Lot Coverage and Dimensions is also proposed to be amended, as indicated below (numerical additions in bold lettering):

Table 17.220.060 Lot Coverage and Dimensions

District	Average Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Street Side Yard (feet)	Minimum Rear Yard (feet)
LDR-6	6,000	40	80	15	5	15	10
LDR-6 overlay	6,000	40	80	15	0*	15	0*
LDR-8.5	8,500	40	90	15	10	15	15

* Applies to zero lot line development projects only, perimeter parcel setbacks remain

Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of application #187-ZON2016-026 as found on page 5 of this staff report.

V. SECTION 17.215 APPROVAL CRITERIA, STATEMENT OF FACT/FINDINGS AND CONCLUSIONS

The following is a list of the approval criteria applicable to the request. According to Chapter 17.215.060 A. of the City of Coos Bay Municipal Code (CBMC) a Code Amendment request must be evaluated against the applicable approval criteria. Each criterion is followed by findings or justification statements.

APPROVAL CRITERION 1. The boundaries of the Comprehensive Plan map designations and the Comprehensive Plan text may be amended as provided in CBMC 17.215.020.

STATEMENTS OF FACT AND FINDINGS:

The purpose of the requested change is to resurrect two development allowances that were permitted in the former R-W district as part of the previous Development Code: multi-family and zero lot line development. The use of the proposed overlay on portions of the LDR-6 zone district overlay would once again permit these uses which are carried over only on properties that previously had the R-W designation in the northwest area of the City. Therefore, the boundaries of the Comprehensive Plan are not impacted by these two changes, nor are any text of the Comprehensive Plan altered.

CONCLUSION: As proposed, this criterion is adequately satisfied.

APPROVAL CRITERION 2. The proposed amendment is in the public interest.

STATEMENTS OF FACT AND FINDINGS:

The proposed change is considered in the public interest because it reinstates development elements that were permitted under the R-W zoning designation that originates back to at least 1974. These development elements were eliminated when the new Development Code was adopted and became

effective on March 18, 2016. By utilizing an overlay designation on a portion of the current LDR-6 zoning district, these two development types can be reestablished without their inclusion in the broader provisions of the LDR-6 district. The public interest is served because it restores desired development manners in the former R-W district but retains stricter use categories in the LDR-6 district which was intended during the Development Code rewrite.

CONCLUSION: Based on the above discussion, this criterion is reasonably complied with.

APPROVAL CRITERION 3. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Capital Improvement Plan(s).

STATEMENTS OF FACT AND FINDINGS:

The proposed addition of multi-family residential and zero lot line development were already allowances in the previous Development Code. The re-creation of these two methods of development was never in conflict with any proposed capital improvements or any services identified in any adopted Capital Improvement Plans (CIPs). Therefore, the inclusion of multi-family residential and zero lot line development in an overlay area, as proposed, should not have any adverse effect on existing CIPs.

CONCLUSION: This criterion is sufficiently met.

VI. RECOMMENDATION

Based on the adopted Findings and Conclusions, approve land use application #187-ZON16-026, as proposed, to create a zoning overlay on certain properties in the LDR-6 zoning district identified on the Attachment A map which would allow multi-family uses and zero lot line developments, amend Table 17.220.030 Uses of the Development Code to add multi-family and zero lot development, and amend Table 17.220.060 Lot Coverage and Dimensions of the Development Code for minimum lot widths and side yard setbacks.

EFFECTIVE DATE OF PERMIT APPROVAL:

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.



Tom Dixon, Planning Administrator

DATE MAILED: September 7, 2016

cc: Dave Perry, DLCD

ATTACHMENTS: A – Map with proposed overlay

Attachment A

