

ORDINANCE NO. 309

AN ORDINANCE AMENDING ORDINANCE NO. 93, AS AMENDED, CREATING THE USE “BUS SHELTER, ” LAND DEVELOPMENT STANDARDS THEREFOR, AND ESTABLISHING A PROCESS FOR ADMINISTRATIVE CONDITIONAL USES

The City of Coos Bay ordains as follows:

Section 1. Definition. Chapter 1.8, “Definitions,” is hereby amended to include the following definition:

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.

Section 2. Single-Family Residential District (R-1).

(a) Chapter 2.1, “Single-Family Residential District,” Section 3(2) is hereby amended to read as follows:

2. Civic Use Types: Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 3.5.

Administrative service

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

Community recreation

Educational service

Public safety service

Religious assembly

Utility and service - no outside equipment storage permitted

(b) Chapter 2.1, , “Single-Family Residential District,” Section 3(5) is hereby amended by the addition of the following subsection 4:

4. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 3. Single-Family and Duplex Residential District (R-2).

(a) Chapter 2.2, “Single-Family and Duplex Residential District (R-2),” Section 3(2) is hereby amended to read as follows:

2. Civic Use Types: Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 3.5.

Administrative service
Bus shelter (Administrative Conditional Use, see Chapter 5.13)
Community recreation
Educational service
Library service and cultural exhibit
Lodge, club, fraternal, or civic assembly
Public safety service
Religious assembly
Utility and service - no outside equipment storage permitted

(b) Chapter 2.2, “Single-Family and Duplex Residential District (R-2),” Section 5, is hereby amended by the addition of the following subsection 4:

4. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 3. Multiple Residential District (R-3).

(a) Chapter 2.3, “Multiple Residential District (R-3),” Section 3(2) is hereby amended to read as follows:

2. Civic Use Types: Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 3.5.

Administrative service
Bus shelter (Administrative Conditional Use, see Chapter 5.13)
Community recreation
Educational service
Library service and cultural exhibit
Lodge, club, fraternal, or civic assembly
Public safety service
Religious assembly
Utility and service - no outside equipment storage permitted

(b) Chapter 2.3, “Multiple Residential District (R-3),” Section 3(5) is hereby amended by

the addition of the following subsection 4:

4. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 4. Residential Professional District (R-4P).

(a) Chapter 2.4, “Residential Professional District,” Section 3(2) is hereby amended as to read as follows:

2. Civic Use Types

Bus shelter (Administrative Conditional Use, see Chapter 5.13)
Community recreation
Educational service
Library service and cultural exhibit
Lodge, club, fraternal, or civic assembly
Parking service
Public safety service
Religious assembly
Utility and service

(b) Chapter 2.4, “Residential Professional District,” Section 5(4) is hereby amended as to read as follows:

4. Yards:

- A. Residential uses shall conform to the requirements of Chapter 3.5.
- B. Non-residential uses, except a bus shelter, shall provide yards not less than:
 - (1) Five (5) feet from the interior side and rear lot lines.
 - (2) Ten (10) feet from lot line on any street frontage.
- C. There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 5. Residential Certified Factory-Built Home Park District (R-5).

(a) Chapter 2.5, “Residential Certified Factory-Built Home Park District,” Section 3, is hereby amended by adding the following subsection 3, “Civic Use Types”:

3. Civic Use Types

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

(b) Chapter 2.5, “Residential Certified Factory-Built Home Park District,” Section 4(2), is hereby amended to read as follows:

2. Civic Use Types not specifically mentioned.

(c) Chapter 2.5, “Residential Certified Factory-Built Home Park District,” Section 5(1), “Property Development Requirements,” is hereby amended as follows:

1. Site Plan and Architectural Review: Except for a bus shelter, the review shall be required prior to the establishment of, or change within, any Certified Factory-Built Home Park.

(d) Chapter 2.5, “Residential Certified Factory-Built Home Park District,” Section 5(12), “Property Development Requirements,” is hereby amended by the addition of the following subsection 12, and renumbering successive existing subsections:

12. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 6. Restricted Waterfront Residential District (R-W).

(a) Chapter 2.6, “Restricted Waterfront Residential District,” Section 3(2), is hereby amended to read as follows:

2. Civic Use Types: Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required in Chapter 3.5.

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

Community recreation

Educational service

Lodge, club, fraternal, or civic assembly

Religious assembly

Utility and service

(b) Chapter 2.6, “Restricted Waterfront Residential District,” Section 5(1), is hereby amended to read as follows:

1. Site Plan and Architectural Review: Site Plan and Architectural Review and approval shall be required for the establishment or change of any use in the R-W district, excepting single-family units when located on individual lots and bus shelters.

(c) Chapter 2.6, “Restricted Waterfront Residential District,” Section 5, is hereby amended by the addition of the following subsection 5:

5. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 7. Medical Park District (MP).

(a) Chapter 2.7, “Medical Park District,” Section 2, is hereby by the addition of the following subsection 4, “Civic Use Types,” and renumbering successive existing subsections:

4. Civic Use Types

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

(b) Chapter 2.7, “Medical Park District,” Section 5(1), “Property Development Requirements,” is hereby amended to read as follows:

1. Site Plan and Architectural Review: Except for the use, bus shelter, a Site Plan and Architectural Review and approval shall be required for the establishment or change of any use in the MP district.

(c) Chapter 2.7, “Medical Park District,” Section 5, “Property Development Requirements,” is hereby amended by the addition of the following subsection 6:

6. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 8. Central Commercial District (C-1).

(a) Chapter 2.8, “Central Commercial District,” Section 3(1), is hereby amended to read as follows:

1. Civic Use Types

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

Educational service

Lodge, club, fraternal, or civic assembly: Large

Parking service

Religious assembly: Large

Utility and service

Section 9. General Commercial District (C-2).

(a) Chapter 2.9, “General Commercial District,” Section 2(1), is hereby amended to read as

follows:

1. Except for the use, bus shelter, all uses permitted and conditional in the C-1 zoning district.

(b) Chapter 2.9, “General Commercial District,” Section 3, is hereby amended as follows by the addition of subsection 1 “Civic Use Types,” and renumbering successive existing subsections:

1. Civic Use Types

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

Section 10. General Industrial District (G-I).

(a) Chapter 2.10, “General Industrial District,” Section 3, is hereby amended to read as follows by the addition of subsection 1, “Civic Use Types,”:

1. Civic Use Types

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

(b) Chapter 2.10, “General Industrial District,” Section 5(1), Property Development Requirements, is hereby amended as follows:

1. Site Plan and Architectural Review: Except for the use, bus shelter, a Site Plan and Architectural Review and approval shall be required for the establishment or change in any use in the G-I district.

(c) Chapter 2.10, “General Industrial District,” Section 5, is hereby amended by the addition of the following subsection 9:

9. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 11. Industrial/Commercial (I-C).

(a) Chapter 2.11, “Industrial/Commercial,” Section 2(1), is hereby amended as follows:

1. Except for the use, bus shelter, all uses permitted and conditional in the C-1 and C-2 zoning districts.

(b) Chapter 2.11, “Industrial/Commercial,” Section 3, is hereby amended by the addition of subsection 1, “Civic Use Types,” and renumbering successive existing subsections:

1. Civic Use Types:

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

(c) Chapter 2.11, “Industrial/Commercial,” Section 5(1) is hereby amended as follows:

1. Site Plan and Architectural Review: Except for the use, bus shelter, uses listed as permitted and conditionally permitted in the C-1 zone, and uses permitted in the C-2 zone, a Site Plan and Architectural Review and approval shall be required for the establishment, intensification, or major remodeling of any use in the I-C district if the use is within four hundred (400) feet of any residentially zoned property as measured from its external property boundaries.

Section 12. Park/Cemetery District (QP-1).

(a) Chapter 2.13, “Park/Cemetery District,” Section 3(2) is hereby amended to read as follows:

2. Civic Use Types

Administrative service

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

(b) Chapter 2.13, “Park/Cemetery District,” Section 5, is hereby amended to read as follows:

1. Site Plan and Architectural Review: Except for the use, bus shelter, this review and approval shall be required prior to the construction of all buildings designed for public use, and also for major improvements, large scale landscaping plans, and trail/path systems in the parks.

(c) Chapter 2.13, “Park/Cemetery District,” Section 5, is hereby amended by adding the following subsection 4:

4. Yards: There are no yard requirements for the use, bus shelter, other than those imposed by Building Codes.

Section 13. Public Educational Facilities (QP-3).

(a) Chapter 2.15, “Public Educational Facilities,” Section 3, is hereby amended by the addition of the following subsection 2, “Civic Use Types,”:

2. Civic Use Types

Bus shelter (Administrative Conditional Use, see Chapter 5.13)

(b) Chapter 2.15, “Public Educational Facilities,” Section 5, is hereby amended to read as

follows:

1. Site Plan and Architectural Review: Except for the use, bus shelter, this review and approval shall be required prior to construction of all buildings and other facilities designed for public use, and for major improvements.

Section 14. Single-Family, Duplex Residential, and Certified Factory Built Home District (R-6).

(a) Chapter 2.18, “Single-Family, Duplex Residential, and Certified Factory Built Home District,” Section 3, is hereby amended to read as follows:

2. Civic Use Types: Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 3.5.

Administrative service
Bus shelter (Administrative Conditional Use, see Chapter 5.13)
Community recreation
Educational service
Library service and cultural exhibit
Lodge, club, fraternal, or civic assembly
Public safety service
Religious assembly
Utility and service - no outside storage of equipment

(b) Chapter 2.18, “Single-Family, Duplex Residential, and Certified Factory Built Home District,” Section 5, is hereby amended by adding the following subsection 5:

5. Yards: There are no yard requirements for the use, bus shelter, except as imposed by Building Codes.

Section 15. Waterfront Heritage (WH).

(a) Chapter 2.19, “Waterfront Heritage,” Section 4, is hereby amended by adding subsection 1, “Civic Use Types,” and renumbering the existing categories:

1. Civic Use Types

Bus shelter (Administrative Conditional Use, See Chapter 5.13)

(b) Chapter 2.19, “Waterfront Heritage,” Section 7(6), is hereby amended to read as follows:

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

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

Section 16. Administrative Provisions. Chapter 5.2, “Development Permits and Procedures,” Section 3, “Special Development –Staff Review,” is hereby amended to read as follows:

- (a) The title of Chapter 5.2, “Development Permits and Procedures,” Section 3, “Special Development -- Staff Review,” is hereby amended to read as follows:

Section 3. SPECIAL DEVELOPMENT - ADMINISTRATIVE REVIEW

- (b) Chapter 5.2, “Development Permits and Procedures,” Section 3, “Special Development – Staff Review,” is hereby amended to read as follows:

This kind of special development applies to land use activities which are reviewed by staff but involves discretionary authority in addition to comparing the application to specific standards. An application for this kind of land use activity shall be obtained and filed with the Community Services Department. Staff may approve, conditionally approve, or deny the application based upon the specific criteria. Any decision by staff can be appealed to the Planning Commission, and, in turn, to the City Council, in accordance with Chapter 5.4, except as otherwise provided. If staff cannot render a decision, it shall be referred to the Planning Commission.

- (c) Chapter 5.2, “Development Permits and Procedures, Section 3, “Special Development -- Staff Review,” Table 9, is hereby amended to read as follows:

TABLE 9.
TYPE OF SPECIAL DEVELOPMENT PERMITS SUBJECT TO ADMINISTRATIVE REVIEW

PERMIT	ORDINANCE CHAPTER
Classification of a Use	5.6
Land Clearing, Erosion Control, and Steep Slope Areas	5.7
Land Division - Partition I	5.9

Estuarine and Coastal Shoreland Uses and Activities	5.10
Administrative Conditional Use	5.13

Section 17. Administrative Provisions.

(a) Chapter 5.13, "Conditional Use," is hereby amended as follows:

Section 1. GENERAL

Certain types of development are not permitted outright in a given zone because of inherent characteristics which may have an adverse effect on other properties in the zoning district. Consequently, such uses are subject first to an administrative review by the Community Services Director, or his or her designee, or to a quasi-judicial review by the Planning Commission, as set forth in Article 2, and may be permitted conditionally, if conditions can be imposed to ensure the proposed use may be made compatible with permitted uses in the district, that adverse impacts caused by the proposed use may be lessened or eliminated, and that the proposed use is consistent with the general purposes of the ordinance and comprehensive plan. In granting a conditional use permit, the decision maker may impose additional conditions or restrictions deemed necessary to protect public health, safety or welfare.

Conditional uses shall be subject to all applicable property development standards for the district in which they are to be located and may be subject to Site Plan and Architectural Review.

A request for a conditional use permit may be made by a property owner or the owner's designated representative.

An administrative conditional use is a conditional use subject to discretionary action or permit decision, made without a public hearing, but requiring public notification and an opportunity to appeal. This decision shall be made in accordance with Section 3 of this Article.

Section 2. QUASI-JUDICIAL REVIEW

A public hearing is required before granting a conditional use permit subject to quasi-judicial review and shall be conducted in accordance with all provisions of Chapter 5.3.

The Planning Commission may approve, conditionally approve, or deny a permit for a new conditional use, or the alteration or enlargement of an existing

conditional use, only after adopting findings or statements of fact which address ALL of the criteria enumerated in Section 4.

Section 3. ADMINISTRATIVE REVIEW

The Community Services Director, or his or her designee, may approve, conditionally approve, or deny a permit for a new administrative conditional use, or the alteration or enlargement of an existing administrative conditional use, only after adopting findings or statements of fact which address ALL of the criteria set forth in Section 4.

1. Notice.

Before making an administrative decision, the Community Services Director, or his or her designee, shall mail notice to all property owners owning property within 250 feet of the external boundaries of the legally described property in the application, and to all city-recognized neighborhood groups whose boundaries include the site. Notice of the pending administrative decision shall:

- A. Provide a 14-day period for submitting written comments before a decision is made on the permit;
- B. Identify the specific permits or approvals requested;
- C. Describe the location of the subject property, including, but not limited to, any one of the following: a map, postal address, legal description, or tax map designation.
- D. List the relevant approval criteria;
- E. State that if a person fails to address the relevant approval criteria with enough detail, they may not be able to appeal the decision on that issue, and that only comments on the approval criteria shall be considered relevant evidence;
- F. State that all evidence relied upon to make this decision is in the public record, available for public review, and that copies of this evidence can be obtained at a reasonable cost from the City;
- G. State that after the comment period closes, a Notice of Decision shall be issued, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise entitled to notice of the decision.

H. Contain the following notice: “Notice to mortgagee, lien holder, vendor, or seller: If you receive this notice it shall be promptly forwarded to the purchaser.”

1. Notice of Decision.

A. Within five working days after the decision is signed, a Notice of Decision shall be mailed to

1. The applicant and all owners or contract purchasers of record of the site which is the subject of the application; and
2. Any person who submitted a written request to receive notice, or provided comments during the application review period.

B. The Notice of Decision shall contain:

1. A description of the applicant’s proposal and the City’s decision on the proposal;
2. A statement of where the City’s decision can be obtained and the date the decision shall become final, unless appealed;
3. Notification of rights to appeal, and that appeals must be made in accordance with Chapter 5.4.

C. Final decision and effective date. The decision is final for purposes of appeal when it is mailed by the City. An administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

Section 4. DECISION

A decision to approve or conditionally approve an administrative or quasi-judicial conditional use permit shall be made only after preparing findings or statements of fact which substantiate ALL of the following criteria.

1. The site for the proposed use will satisfy the specific conditions and intent set forth in Article 4 of this ordinance, if applicable.

2. The site for the proposed use is adequate in size and shape to satisfy any other property development requirements of the district in which it is located, in addition to any requirements that may be imposed by Article 4.
3. The site for the proposed use is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not have an adverse physical effect on the development or use of abutting property.

Section 5. CONDITIONS

The decision maker may impose conditions when it is determined that the proposed use may have an impact on the site itself or surrounding property by the nature of the proposed use or proposed site. These conditions shall be stated in terms that are specific and measurable so that the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished. The decision maker has authority to impose conditions which would:

1. Alter yards, spaces, open space and building placement requirements in order to provide buffering for visual or safety purposes, or to abate other potential impacts.
2. Prescribe additional fences, walls, and/or landscaping for visual or safety purposes, or to abate other potential impacts.
3. Require surfacing of parking areas to preserve the quality of improved streets and assure safety of users.
4. Require the dedication and/or improvement of streets, allies, or service roads which are within the proposed site, and those thoroughfares which may provide access when the access is essential to the development of the proposed use or when the access will be impaired by the proposed use.
5. Regulate points of vehicular ingress and egress in order to promote public safety.
6. Regulate signs and lights in order to preserve value of nearby property, protect them from glare and other distractions, and protect the aesthetic character of the neighborhood.
7. Require landscaping and maintenance or the retention of trees or other natural features to preserve the environmental quality of the site, protect against natural hazards, visually screen the proposed site from surrounding uses.

8. Regulate levels of noise, vibration, odors, and other noxious impacts associated with commercial and industrial uses.
9. Regulate the operation time of certain activities to conform with the general activity time of the majority of the surrounding property.
10. Require Site Plan and Architectural Review if it would assist in minimizing the conflict between the proposed and existing uses.
11. Require a time period within which the proposed use shall be developed to ensure full compliance with the permit and conditions.
12. Require a bond for removal of the use within a specified period of time when the cost of removing the conditional use would be substantial.
13. Require screening of unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls.
14. Require non-remonstrance against an improvement district through a deed covenant to ensure provisions of basic services, parks or streets and sidewalks directly benefitting the proposed development.
15. Require areas set aside for recreation or open space to benefit the proposed development.
16. Require the placement of fire hydrants or alteration of streets to ensure adequate fire protection.
17. Require easements for the provision of utilities or to ensure health, safety, and welfare.
18. Any other requirement deemed necessary for public health, safety, and welfare.

Section 18. Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

The foregoing ordinance was enacted by the City Council of the city of Coos Bay the 19th day of June, 2001, by the following vote:

Yes: Mayor Benetti and Councilors Anna Marie Larson, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks

No: None

Absent: None

Joe Benetti, Mayor
City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen, Deputy Recorder

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