Title 17

DEVELOPMENT CODE

Chapters:

Division I. Introductory Provisions

17.05 General
17.10 Definitions
17.15 Land Development Map
17.20 Uses of Land
17.25 Nonconformance

Division II. Zoning Districts

17.30 Establishment of Zoning Districts
17.35 Single-Family Residential District (R-1)
17.40 Single-Family and Duplex Residential District (R-2)
17.45 Multiple Residential District (R-3)
17.50 Residential/Professional District (R-4P)
17.55 Residential Certified Factory-Built Home Park District (R-5)
17.60 Restricted Waterfront Residential District (R-W)
17.65 Medical Park District (MP)
17.70 Central Commercial District (C-1)
17.75 General Commercial District (C-2)
17.80 General Industrial District (G-I)
17.85 Industrial/Commercial District (I-C)
17.90 Waterfront Industrial District (W-I)
17.95 Park/Cemetery District (QP-1)
17.100 Watershed District (QP-2)
17.105 Public Educational Facilities District (QP-3)
17.110 Transportation Facilities District (QP-4)
17.115 Buffer District (QP-5)
17.120 Single-Family, Duplex Residential and Certified Factory-Built Home District (R-6)
17.125 Waterfront Heritage District (WH)
17.127 Hollering Place District (HP)

Division III. General Conditions

17.130 General
17.135 Blocks
17.140 Lots
17.145 Access Management
17.150 Yards
17.155 Permitted Projections

17.160 Fences and Walls
17.165 Vision Clearance Area
17.170 Utilities and Public Facilities
17.175 Drainage Facilities
17.180 Transportation Standards
17.185 Open Space
17.190 Recreational Area
17.195 Flood Damage Prevention
17.200 Off-Street Parking and Loading
17.205 Estuarine and Coastal Shoreland Uses and Activities
17.210 Dredged Material Disposal Sites
17.215 Land Clearing, Erosion Control, and Steep Slope Areas
17.220 Cultural Resources
17.225 Air Surface Protection
17.230 Signs
17.235 Manufactured Home Special Siting Standards
17.240 Empire Waterfront Settlement Design Review

Division IV. Special Site Development

17.245 General
17.250 Accessory Apartments
17.255 Cluster Development
17.260 Home Occupation
17.265 Convenience Sales and Personal Service
17.270 Planned Unit Development
17.275 Commercial Recreational Vehicle Park
17.280 Manufacturing
17.285 Accessory Use or Building on a Separate Lot or Parcel

Division V. Administrative Provisions

17.290 Authority
17.295 Development Permits and Procedures
17.300 Public Hearings
17.305 Appeals
17.310 Enforcement
17.315 Classification of a Use
17.320 Land Clearing, Erosion Control, and Steep Slope Areas
17.325 Alternatives for the Reconfiguration of Property
17.330 Land Division – Partition I
17.335 Land Division – Partition II and Subdivision
17.340 Estuarine and Coastal Shoreland Uses and Activity
17.345 Site Plan and Architectural Review
17.350 Variance
17.355 Conditional Use
17.360 Change in Zone Designation

17.365 Cultural Resources
17.370 Dedication of Rights-of-Way or Other Public Property
17.375 Vacation
17.380 Amendments to the Plan and/or this Title
17.385 Annexation
17.390 Architectural Design Review

Division VI. Urban Renewal Plans

17.395 1998 Coos Bay Urban Renewal Plan
17.400 1995 Empire District Urban Renewal Plan

Division I. Introductory Provisions

Chapter 17.05

GENERAL

Sections:

17.05.010 Title.
17.05.020 Purpose.
17.05.030 Compliance with comprehensive plan and title provisions.
17.05.040 Interpretation.

17.05.010 Title.

This title shall be known as the land development ordinance of the city of Coos Bay. [Ord. 93 § 1.1.1, 1987].

17.05.020 Purpose.

It is the intent of this title to implement the Comprehensive Plan 2000, Volume I: Plan Policy Document, the City of Eastside 1995 Comprehensive Plan, and Volume III: Coos Bay Estuary Management Plan, and, in accordance, encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in rendering fire and police protection; to provide adequate open space; to lessen congestion of streets; to promote orderly growth in the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks, and other public requirements; to assure the appropriate use of the estuary and shoreland areas; and to promote public health, safety, and general welfare. [Ord. 93 § 1.1.2, 1987].

17.05.030 Compliance with comprehensive plan and title provisions.

The Comprehensive Plan 2000 of the City of Coos Bay and the City of Eastside 1995 Comprehensive Plan are the basis for all land use development within the city. In particular, the provisions of this title shall be applied in conjunction with the specific provisions of Volume III: Coos Bay Estuary Management Plan. Should any conflicts arise between the plan and this title, the provisions of the plan shall prevail.

It shall be unlawful for any person, firm, or corporation to develop, permit, erect, construct, alter, or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform with the standards of this title. [Ord. 93 § 1.1.3, 1987].

17.05.040 Interpretation.

If the conditions imposed by a provision of this title are less restrictive than comparable conditions imposed by any other provision of this title or any other ordinance, the provisions which are more restrictive shall govern. [Ord. 93 § 1.1.6, 1987].

Chapter 17.10

DEFINITIONS

Sections:

17.10.010 Definitions.

17.10.010 Definitions.

As used in this title, the masculine includes the feminine and neuter, and the singular includes the plural; the word "building" includes the word "structure," and the word "shall" is mandatory and not directory. The term "city council" shall mean the city council of the city of Coos Bay, and "planning commission" or "commission" shall mean the city planning commission of the city of Coos Bay. The word "city" when used shall mean the incorporated city of Coos Bay. The following words and phrases, unless the context otherwise requires, shall mean:

"100-year floodplain" means 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).

"Accessory apartment" means a dwelling unit which is secondary to and located within an existing single-family dwelling.

"Accessory building" means 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 use" means a use customarily incidental and subordinate to the principal use of the building or land and located on the same lot (except as provided by CBMC 17.40.030). In no case shall the accessory use dominate in area, extent, or purpose the principal lawful use of the building or land.

"Administrative service" means consulting, record-keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type, "professional and administrative service." Typical use types are associated with governmental offices.

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

"Agricultural service" means establishments or places of business providing agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree service firms or landscape services.

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

"Animal husbandry" means the commercial raising and breeding of livestock or other nondomestic animals or insects.

"Animal sales and service" means establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and service use types:

(1) Auction. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.

(2) Grooming. Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

(3) Kennel. Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.

(4) Pet Shop. Establishment for the retail sale of household pets and pet supplies.

(5) Veterinary (Small Animals). Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.

(6) Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.

"Animal waste processing" means the processing of animal waste and byproducts including, but not limited to, animal manure, animal bedding waste, and similar byproducts of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes.

Apartment. See "Dwelling, multifamily."

"Aquaculture" means raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds.

"Architectural feature" means these 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" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

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

"Automotive and equipment" means 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, Nonoperating Vehicles. Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-aways or impound yards.

Awning. See "Marquee."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any year.

"Basement" means the portion of a building between floor and ceiling which is wholly or partly below grade and so constructed that the vertical distance from grade to the floor is equal to or greater than the vertical distance from grade to ceiling. (See also "Story.")

Bed and Breakfast. See "Tourist habitation – Bed and breakfast."

"Breezeway" means 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.

"Building" means a structure constructed for the support, shelter, or enclosure of persons, animals, or property of any kind.

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

"Building height" means the vertical distance measured from the floor of the lowest story to the highest point of the roof, ridge, or parapet wall.

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

"Building-mounted sign" means either a wall-mounted or projecting sign.

"Building/property maintenance service" means establishments primarily engaged in the provision

of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

"Bus shelter" means 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.

"Business equipment sales and service" means establishments or places of business primarily engaged in the sale, rental, or repair of equipment and supplies used by office, professional, and service establishments to firms rather than individuals. Typical uses include office equipment and supply firms, small business machine repair shops, or hotel equipment and supply firms.

"Business support service" means establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, blueprint services, or printing and duplicating firms.

Canopy (For Sign Regulatory Purposes). See "Marquee."

"Canopy or patio cover" means a roof-like structure either attached to or an extension of a roofline, or a detached freestanding structure constructed for the purpose of protection from the elements.

"Carport" means a structure enclosed on not more than two sides and designed or used for the shelter of vehicles by occupants of the dwelling.

"Certified cultural resource" means any structure, natural feature, site or area or archaeological site listed on the National Register of Historic Places, or which receives federal matching grants in aid for restoration or receives special assessment status for an historic property under Oregon law.

"Certified factory-built home" means:

(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" means an individual lot or parcel under single ownership with two or more certified factory-built home sites.

"Child care facility" means 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.

"Child care facility (fewer than 13)" means establishments authorized by state licensure or certification to provide supervisory or day care services for fewer than 13 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" means the performance of utility, educational, recreational, cultural, protective, governmental, and other uses which are strongly vested with public or social importance.

"Clinic" means a facility for the treatment of human ailments, operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients.

"Cluster development" means a development which uses lots smaller than those specified in the

land development ordinance; provided, that additional land is permanently reserved for open space.

Collector Street. See "Street, collector."

"Commercial recreational vehicle park" means 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" means the distribution and sale or rental of goods, and the provision of services other than those classified as "civic use types."

"Communication services" means 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" means 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, high-intensity.")

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

"Construction sales and service" means 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.

"Convenience sales and personal services" means 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.

"Court" means an open, unoccupied space, on the same lot with, and bounded on three or more sides by a building(s).

"Critical facility" means a facility for which even a slight change of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Cul-de-Sac. See "Street, dead-end."

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

Dead-End. See "Street, dead-end."

"Density" means the number of dwelling units allowed within a given unit of land.

"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.

"Dormitory" means 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.

"Double-faced sign" means a sign with advertising on two surfaces, generally back to back.

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

"Dryland moorage" means boat moorage space provided on dry land, such that boats are mechanically lowered to and raised from the water.

"Dwelling" means 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, duplex, or two-family" means a building containing two dwelling units on a single lot or parcel.

"Dwelling, multifamily" means a building containing three or more dwelling units on a single lot or parcel.

"Dwelling, single-family" means a building containing one dwelling unit on a single lot or parcel.

"Dwelling unit" means one or more rooms which have cooking and toilet facilities and are designed for occupancy by one family only.

"Educational service" means facilities customarily associated with public or private primary and secondary schools, nursery schools, vocational schools, colleges, or universities. Does not include personal instructional services listed under "Personal services, general."

"Elevated building" means, for National Flood Insurance Program purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Family" means an individual or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling.

"Family residential" means the residential occupancy of living units by families and excludes tourist habitation and group care. Typical uses include single-family dwellings, duplex dwellings, and multiple-family dwellings.

"Farmer's market/fish market" means the commercial premises for the retail sale of produce and/or seafood.

Final Plat. See "Plat, final."

"Financial, insurance, and real estate services" means establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms.

"Flood Insurance Rate Map (FIRM)" means 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.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Floodplain" means land area subject to flooding.

"Floodway" means 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.

"Food and beverage retail sales" means 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" means 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.

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

"Frontage" means all property abutting a public right-of-way.

"Fuel sales" refers to 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.

"Funeral and interment services" means 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, columbariums, 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, columbariums, and mausoleums.

(3) Undertaking. Undertaking services such as preparing the dead for burial and arranging and managing funerals.

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

"Grade (adjacent ground level)" means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet from the wall. If walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

"Group residential" means 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.

"Group residential care facility" means any private or public institution requiring state licensure and/or any nonprofit facility performing the same functions which provides services including, but not limited to, the care, boarding, housing or training of more than five physically, mentally, or socially handicapped or delinquent persons or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption to, these persons.

"Guesthouse" means 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.

"Half-story" means an area under a roof finished for living accommodations or business purposes located wholly or partly within the roof frame and having a floor area at least one-half as large as the story below. Space with less than five feet clear headroom shall not be considered as floor area.

"Home occupation" means an occupation commonly carried on within a dwelling and/or an accessory structure by a member of the family occupying the dwelling.

"Homeless shelter" means any place or premises operated by a nonprofit organization wherein residence is provided to persons who need emergency shelter on a daily or weekly basis. Individual bath and cooking/eating facilities may or may not be provided.

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

"Hospital" means an institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

"Improvements" means manmade features located on, above, or under real property.

"Indirect illumination" means a source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

"Industrial (use) and port facility" means public or private use of land or structures for manufacturing, processing, port development, and energy generating facilities. Industrial and port facility includes large commercial and industrial docks.

"Kennel" means a lot or building in which three or more dogs, cats, or other small domesticated animals are kept commercially for board, propagation, or sale.

"Landscaping" means the placement of trees, grass, bushes, shrubs, flowers, and garden areas, but may also include the arrangement of foundations, patios, decks, street furniture, and ornamen-

tal concrete or stone walk areas and artificial turf or carpeting.

"Laundry services" means establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as "personal services, general." Typical uses include laundry agencies, diaper service, or linen supply services.

"Library service and cultural exhibit" means 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" means 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, candlemaking shops, wood working, custom jewelry manufacturers, small furniture shops, or instruction studios for similar arts and crafts.

Local Streets. See "Street, local."

"Lodge, club, fraternal or civic assembly" means 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.

"Log storage/sorting yard (dry land)" means an area where logs are gathered from surrounding harvest areas, weighed, sorted for species, size and quality, and stored until ready for transfer to water storage areas or to market.

"Lot" may be any of the following:

(1) A single lot of record.

(2) A portion of a lot of record.

(3) A combination of complete lots of record.

(4) A combination of complete lots and portions of lots of record.

(5) A parcel, portion, or combination of parcels of land described by metes and bounds.

"Lot area" means the total horizontal area within a lot.

"Lot, corner" means a lot abutting on two intersecting streets other than an alley with a boundary line bordering on each of the streets.

"Lot, interior" means a lot with other lots abutting both side lot lines.

"Lot line" means the property line bounding a lot.

"Lot line, front" means, in case of an interior lot, the lot line separating a lot from the street other than an alley, and in case of a corner lot, the shortest lot line along a street other than an alley.

"Lot line, rear" means 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 at least 10 feet in length within the lot parcel, which is perpendicular to the mean direction of the side lot lines.

"Lot line, side" means any lot line which is not a front or rear lot line.

"Lot, through" means a lot having frontage on two parallel or approximately parallel streets.

"Lot width" means the horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found in CBMC 17.195.160(2)(a)(ii).

Major Arterial Street. See "Street, major arterial."

"Major remodeling" means any remodeling that represents more than 50 percent of the replacement value of a building as defined by the International Building Code.

"Manufactured home" (for flood damage prevention only) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the

required utilities. The term "manufactured home" does not include a recreational vehicle.

"Manufacturing" means 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.

"Map" means a final diagram, drawing, or other writing concerning a land partition.

"Marina" means 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" means 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.

"Marquee" means a permanent or temporary roofed structure attached to and supported by the building and projecting over public property.

"Medical services" means 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" means 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.

Minor Arterial Street. See "Street, minor arterial."

Mobile Home. See "Certified factory-built home."

"Mural" means 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.

"Open space" means land perpetually set aside and maintained for the conservation/preservation of natural features or scenic amenities, for the buffering of a use within or adjacent to the development, for solar and wind access, or for bicycle/pedestrian access ways. These lands shall remain undeveloped except for natural or landscaped vegetation.

"Parking service" means parking services involving public garages and lots.

"Participant sports and recreation" means establishments or places primarily engaged in the provision of sports or recreation by participants. Any spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types (for either general or personal use):

(1) Indoor. Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools, physical fitness centers, or racquetball centers.

(2) Outdoor. Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.

"Partition I" means a division which does not include the creation of a public road or street.

"Partition II" means a division which includes the creation of a public road or street.

"Partition, land" means 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.

"Paved" means a hard surface area of portland cement concrete or asphaltic concrete with base approved by the public works department.

"Personal services, general" means establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as "spectator sports and entertainment," or "participant sports and recreation," or "group care." Typical uses include photography studios, driving schools, or reducing salons, laundromats, or dance instruction.

"Planned unit development" means 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 utilize 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.

"Plat" means a map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

"Plat, final" means the last plat of the development based upon the approved preliminary plat and any changes required by the city. It represents the development as it will appear when completed, and is the official plat filed with the county.

"Postal service" means mailing services and processing as traditionally operated or leased by the United States Postal Service and includes United Parcel Service facilities or other mail or parcel delivery service.

Private Street. See "Street, private."

"Professional and administrative services" means 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.

"Projecting sign" means a sign other than a wall-mounted sign which projects from and is supported by a wall of a building or structure.

"Public safety service" means life safety services together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

"Readerboard sign" means a sign with letters and/or advertising which can be readily changed.

"Recognized neighborhood or community organization" means any group which has provided the city, prior to an application for a partition I, with a written request for notice stating the name and address of the individual to receive such notice, and a map reasonably identifying the territorial boundary of the organization.

Recreation Facility – Low Density and High Density. See "Community recreation."

"Recreational area" means 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 vehicle" means a vehicle that is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towed by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Refuse service" means any place used for disposal of used material. Typical uses include sanitary landfills, dumps, or refuse disposal sites.

"Religious assembly" means 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" means 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 certified factory-built home park" means a parcel of land under single, private owner-

ship which is issued to provide a permanent or semi-permanent location or accommodation for certified factory-built homes. It shall include all buildings as part of the facilities.

"Retail sales, general" means 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.

"Riparian vegetation" means dense, narrow bands of vegetation along lakes, streams, rivers, and sloughs. Typical plant species include willow, black cottonwood, red alder, Oregon ash, and western wax myrtle.

"Roofline" means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

"Row houses" means 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" means 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" means a fence, wall, berm, or landscaping intended to serve as an acoustic barrier, to obstruct undesirable views, or generally to reduce the impact of adjacent development.

"Service station" means a retail business establishment supplying fuel and minor accessories and service for automobiles.

"Shopping center" means commercial premises of at least 20,000 square feet which are planned or developed and advertised as a center with an undivided or nonsegregated parking area and that has multiple occupancy by business firms with each business having separate access from a public right-of-way or the parking area.

"Sign" means any structural or wall-based medium, including its component parts, which is used or intended to be used to attract attention to the subject matter for advertising or identification purposes.

"Sign area" means the size of a sign in square feet of a largest face measured within any type of perimeter, border, or defined edges or within a background of color if different than the wall upon which it is placed enclosing the outer limits of any sign, excluding essential sign structures, foundations, or supports. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a standard geometric figure, i.e., rectangle, parallelogram, or triangle, of the smallest size sufficient to cover the entire area of the sign. The area of three-dimensional or spherical signs shall be measured by using the largest cross-section in a flat projection.

"Single-faced sign" means a sign with advertising on only one surface.

"Sketch plan" means an informal preliminary plan designed to give staff some knowledge of the land being proposed for subdivision and the initial design ideas of the developer.

"Small business" means a business employing less than 25 full-time employees.

"Spectator sports and entertainment" means establishments or places primarily engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as those involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

(1) Indoor. Those uses conducted within an enclosed building. Typical uses include theaters or meeting halls.

(2) Outdoor. Those uses conducted outdoors. Typical uses include stadiums or drive-in theaters.

"Standard factory-built home" means a residential housing unit which is built at a location different from the intended site of occupancy but which meets city building, plumbing, heating, and venti-

not limited to, jet skis, canoes, motorboats, and sailboats. Motorized watercraft and sailboats, where motorized watercraft and sailboats are displayed in the water.

"Waterfront" means the mean high water line.

"Wholesale, storage, and distributing" means establishments or places of business primarily engaged in the wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesale, storage, and distribution use types:

(1) Mini-Warehouse. Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage space in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of the spaces shall be limited to that required to transport, arrange, and maintain stored materials.

(2) Light. Wholesale, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.

(3) Heavy. Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, wood chip storage, or lumber storage.

"Yard" means open space between the property line and the nearest point at the outermost face of any vertical support, exterior wall line, or foundation of a building.

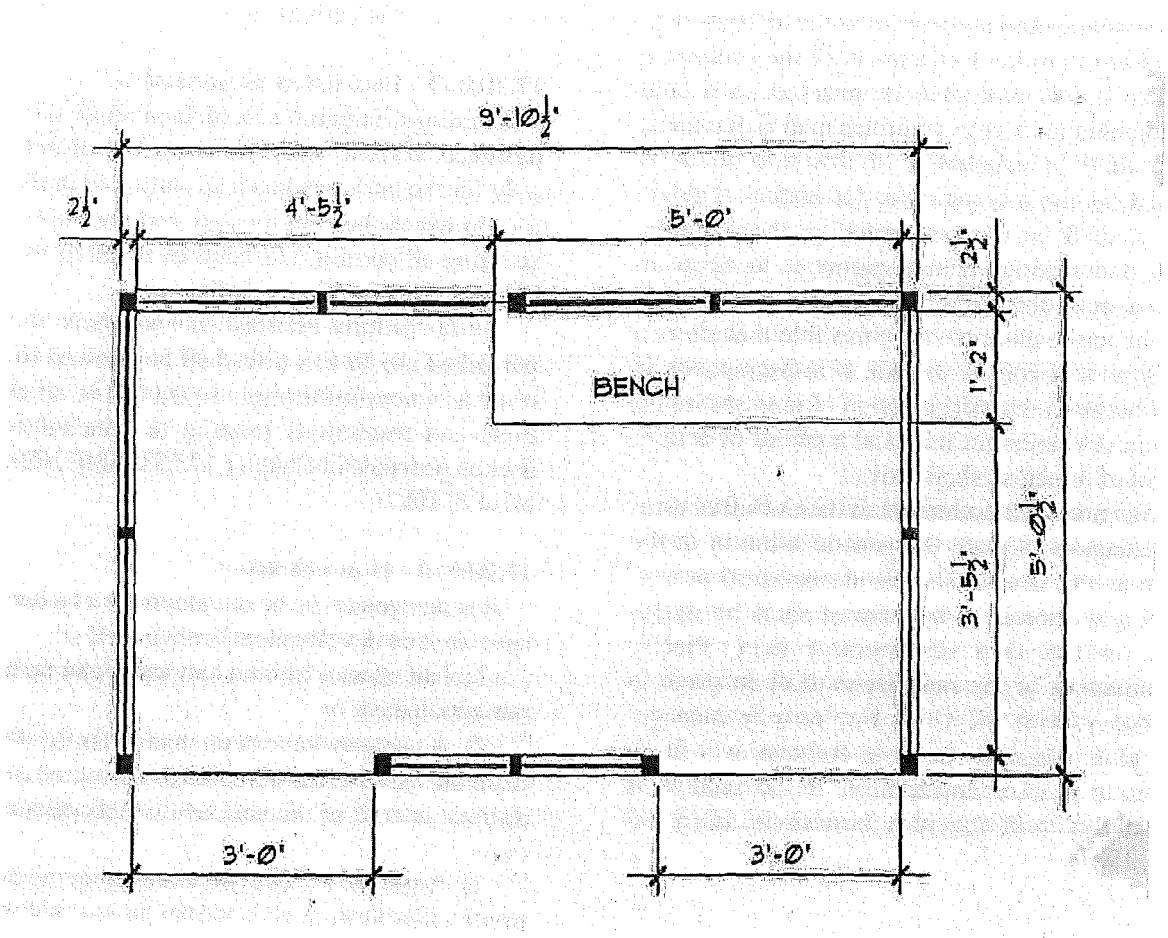
"Zero lot line development" means a single-family housing unit which has no yard requirements on one or more of the lot lines, in conformance with the International Building Code.

"Zoning officer" means the officer who is charged with the administration and enforcement of this title, or an authorized deputy. [Ord. 354, 2004; Ord. 309, 2001; Ord. 307, 2001; Ord. 293, 2000; Ord. 215, 1995; Ord. 164, 1990; Ord 148 §§ 2 – 4, 1989; Ord. 127 § 1, 1988; Ord. 93 § 1.8, 1987].

SHELTER PLAN (TYPICAL)

The frame is three inches by three inches by 0.12 inch. A 500 steel tube finished with two component high solids polyurethane rust inhibitive primer, plus two component high solids finish. The walls are one-fourth inch clear tempered safety glass with simulated metal muntins. Roof is standing seam sheet metal with sheet steel ceiling soffit (both are finished to match frame).

Figure 17.10.010



[Ord. 93 § 1.8, 1987].

Chapter 17.15

LAND DEVELOPMENT MAP

Sections:

17.15.010 Land development map.

17.15.010 Land development map.

The location and boundaries of the districts designated at the time of enactment of the ordinance codified in this title shall be retained on a land development map. A copy of this map as it existed at the time of enactment of this title shall be retained by the city recorder for historical reference. It shall be the responsibility of the public works and development department to keep an updated map and make any alterations resulting from an action authorized by this title that alters a boundary of a zoning district. If a discrepancy is found between the classification of land shown on the land development map and a record of action, the record of action shall prevail.

At the time of the adoption of the Coos Bay estuary management plan, the general location of the estuarine and coastal shoreland management segments and shoreland boundaries shall be designated on the land development map. Precise determination of the boundaries shall be made in accordance with the Coos Bay estuary management plan. Changes to these boundaries will be subject to a plan amendment, if the change is inconsistent with the plan provisions. [Ord. 93 § 1.3, 1987].

Chapter 17.20

USES OF LAND

Sections:

17.20.010 Uses listed as permitted.
17.20.020 Uses not listed.
17.20.030 Estuarine and coastal shoreland uses and activities.

17.20.010 Uses listed as permitted.

Buildings, structures, and land shall be used, designed, erected, structurally altered or enlarged only for the purposes listed as permitted in the district in which they are located, and then only after securing all permits and licenses required by state and federal law and city ordinances.

A use lawfully established but which is not a permitted use by this title shall be allowed to continue as a nonconforming use subject to all conditions and restrictions relating to nonconforming uses as provided in Chapter 17.25 CBMC. [Ord. 93 § 1.4.1, 1987].

17.20.020 Uses not listed.

It is recognized in the development of a comprehensive land development ordinance that:

(1) Not all uses of land and water can be listed, nor anticipated; or

(2) A use may have been inadvertently omitted from the list of those specified as permitted or conditional in each of the various districts designated; or

(3) Ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this title.

Therefore, the phrase, "plus such other uses deemed to be similar and not more obnoxious or detrimental to the public health, safety, and welfare," shall be unmentioned, but included in "Uses Permitted" and "Conditional Uses" in each district. The classification of a permitted or conditional use is the responsibility of the zoning officer in accordance with Chapter 17.315 CBMC. Should a conflict arise over the classification of the proposed use, an interpretation by the commission can be requested. [Ord. 93 § 1.4.2, 1987].

17.20.030 Estuarine and coastal shoreland uses and activities.

(1) Except as otherwise provided in this title, the adopted Coos Bay estuary management plan shall be implemented and administered under the procedures of this title within the city of Coos Bay.

(2) Estuarine and shoreland areas shall be defined by the Coos Bay estuary management plan. Allowable, conditional, and prohibited uses and activities within these areas shall be consistent with the plan and shall be subject to the general and special conditions of that plan, its policies, inventory document, and maps, in addition to development standards of this title.

Because management units of the plan may encompass more than one zoning district, the uses allowed within the shoreland areas shall be those listed for the underlying zone contained in this title. Since this title does not specify activities, such as dredging or shoreland stabilization, nor address aquatic areas, the activities within the shoreland and the uses and activities of the aquatic areas shall be those listed in the plan. [Ord. 93 § 1.4.3, 1987].

Chapter 17.25

NONCONFORMANCE

Sections:

17.25.010 Nonconforming use – General.
17.25.020 Change in nonconforming use.
17.25.030 Discontinuation of a nonconforming use.
17.25.040 Restoration of a nonconforming use.
17.25.050 Enlargement of a nonconforming use.
17.25.060 Maintenance of a nonconforming use.
17.25.070 Nonconforming structure – General.
17.25.080 Change in nonconforming structure.
17.25.090 Maintenance or repair of a nonconforming structure.
17.25.100 Nonconforming mobile home parks.
17.25.110 Nonconforming lot or parcel of record.

17.25.010 Nonconforming use – General.

If, at the time of enactment of the ordinance codified in this title or any amendment, any lot or structure was being used in an otherwise lawful manner but does not conform to the use provisions of this title, the use shall be deemed to be nonconforming. However, it may continue in the manner and to the extent that it existed upon enactment of the ordinance codified in this title or its amendments, subject to the provisions of this chapter. [Ord. 93 § 1.5.1, 1987].

17.25.020 Change in nonconforming use.

(1) Any nonconforming use changed to a use conforming to the regulations established for the district in which it is located shall not afterwards be changed back to a nonconforming use.

(2) A person occupying a nonconforming use may engage in activities within the same structure that are directly permitted by the underlying zone. These activities may be added incrementally. However, if more than 50 percent of the building coverage is used for the permitted use, the nonconforming use shall desist or conform to the requirements of the underlying zone.

(3) An existing, detached structure of a nonconforming use may be converted to a use directly permitted by the underlying zone in addition to the maintenance of the remaining nonconforming use; provided, that the detached structure represents

Chapter 17.25
NONCONFORMANCE

Sections:

17.25.010 Nonconforming use – General.
17.25.020 Change in nonconforming use.
17.25.030 Discontinuation of a nonconforming use.
17.25.040 Restoration of a nonconforming use.
17.25.050 Enlargement of a nonconforming use.
17.25.060 Maintenance of a nonconforming use.
17.25.070 Nonconforming structure – General.
17.25.080 Change in nonconforming structure.
17.25.090 Maintenance or repair of a nonconforming structure.
17.25.100 Nonconforming mobile home parks.
17.25.110 Nonconforming lot or parcel of record.

17.25.010 Nonconforming use – General.
If, at the time of enactment of the ordinance codified in this title or any amendment, any lot or structure was being used in an otherwise lawful manner but does not conform to the use provisions of this title, the use shall be deemed to be nonconforming. However, it may continue in the manner and to the extent that it existed upon enactment of the ordinance codified in this title or its amendments, subject to the provisions of this chapter. [Ord. 93 § 1.5.1, 1987].

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(1) Any nonconforming use changed to a use conforming to the regulations established for the district in which it is located shall not afterwards be changed back to a nonconforming use.

(2) A person occupying a nonconforming use may engage in activities within the same structure that are directly permitted by the underlying zone. These activities may be added incrementally. However, if more than 50 percent of the building coverage is used for the permitted use, the nonconforming use shall desist or conform to the requirements of the underlying zone.

(3) An existing, detached structure of a nonconforming use may be converted to a use directly permitted by the underlying zone in addition to the maintenance of the remaining nonconforming use; provided, that the detached structure represents less than 50 percent of the building coverage of all structures on the property. [Ord. 93 § 1.5.2, 1987].

17.25.030 Discontinuation of a nonconforming use.
Whenever a nonconforming use has been discontinued for a continuous period of 24 months, or whenever there is a clear intent on the part of the owner to abandon a nonconforming use, this use shall not be re-established and further use of the premises shall be in conformity with the regulations of the district. [Ord. 440 § 3 (Exh. A(A)), 2010; Ord. 93 § 1.5.3, 1987].

17.25.040 Restoration of a nonconforming use.
A structure housing a nonconforming use which is damaged by any cause to an extent of not more than 50 percent of the replacement value at that time may be restored and the same use or occupancy resumed; provided, that this restoration is started within a period of 120 days. This time limitation may be waived by the zoning officer should practical difficulties be evident. Any decision by the zoning officer may be appealed to the planning commission. [Ord. 93 § 1.5.4, 1987].

17.25.050 Enlargement of a nonconforming use.
The enlargement of a nonconforming use may be permitted one time after the enactment of the ordinance codified in this title upon approval by public works and development staff who shall also consider the specific conditions listed below. It is the intent that enlargement of a nonconforming use may take place; provided, that the expansion does not add to the intensity of the use and ultimately change its character.

(1) The nature and character of the use is unchanged.

(2) The same facilities are substantially used and the enlargement will be no more than 20 percent of the total, existing building coverage, if all or some of the nonconforming use is conducted wholly within a structure. If the nonconforming use is conducted outside, the enlargement shall not increase the area devoted to the nonconforming use beyond the permitted building coverage of the district, and all property development standards shall be observed. In this case, "building coverage" shall mean not only the coverage of all existing buildings, but also the exterior area devoted to the nonconforming use. [Ord. 93 § 1.5.5, 1987].

17.25.060 Maintenance of a nonconforming use.
Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

Maintenance or repair shall constitute less than 50 percent of the replacement value of the work being done. [Ord. 93 § 1.5.6, 1987].

17.25.070 Nonconforming structure – General.
If, at the time of enactment of the ordinance codified in this title or any amendment, any structure, sign or mobile home park located or erected in an otherwise lawful manner does not conform to the development standards of this title, the structure, sign or mobile home park shall be deemed to be nonconforming. However, it may continue in the manner and to the extent that it existed upon enactment of the ordinance codified in this title or its amendments, subject to the provisions of this section. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.1, 1987].

17.25.080 Change in nonconforming structure.
A structure conforming with respect to use but nonconforming with relation to yard, height, or lot coverage requirements may be altered or extended if the alteration or extension does not deviate further from the requirements of this title. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.2, 1987].

17.25.090 Maintenance or repair of a nonconforming structure.
Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

Maintenance or repair shall constitute less than 50 percent of the replacement value of the work being done. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.3, 1987].

17.25.100 Nonconforming mobile home parks.
Only certified factory-built homes shall be allowed in a nonconforming mobile home park, with exception of recreational vehicles which are allowed in designated recreational vehicle sites within a nonconforming mobile home park.

Any change in the designated use of an existing site is subject to a site plan and architectural review and the number of recreational vehicles will not be allowed to exceed 10 percent of the total number of mobile home sites. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.4, 1987].

17.25.110 Nonconforming lot or parcel of record.
There may be single lots or parcels that are substandard where the minimum width or total area is less than that prescribed by this title; provided, that:

(1) The single lot or parcel was recorded with the office of the county clerk at the time the ordinance codified in this title became effective, and

(2) All other property development requirements of the district are satisfied, then a substandard lot may be developed for any permitted use of the underlying zone or a person may apply for any conditional use of the underlying zone. [Ord. 93 § 1.7, 1987].

This page of the Coos Bay Municipal Code is current through Ordinance 440, passed November 2, 2010.
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17.25.100 Nonconforming mobile home parks.

Only certified factory-built homes shall be allowed in a nonconforming mobile home park, with exception of recreational vehicles which are allowed in designated recreational vehicle sites within a nonconforming mobile home park.

Any change in the designated use of an existing site is subject to a site plan and architectural review and the number of recreational vehicles will not be allowed to exceed 10 percent of the total number of mobile home sites. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.4, 1987].

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There may be single lots or parcels that are substandard where the minimum width or total area is less than that prescribed by this title; provided, that:

(1) The single lot or parcel was recorded with the office of the county clerk at the time the ordinance codified in this title became effective, and

(2) All other property development requirements of the district are satisfied, then a substandard lot may be developed for any permitted use of the underlying zone or a person may apply for any conditional use of the underlying zone. [Ord. 93 § 1.7, 1987].

Division II. Zoning Districts

Chapter 17.30

ESTABLISHMENT OF ZONING DISTRICTS

Sections:

17.30.010 Establishment of zoning districts.

17.30.010 Establishment of zoning districts.

This title shall divide the lands within the city into the following zoning districts and the appropriate requirements shall apply to all lands located within them:

Table 17.30.010 – Zoning Districts in the City of Coos Bay

Residential Districts	Abbreviated Designation
Single-Family Residential	R-1
Single-Family/Duplex Residential	R-2
Multiple Residential	R-3
Residential/Professional	R-4P
Residential Certified Factory-Built Home Park	R-5
Single-Family, Duplex Residential, and Certified Factory-Built Home	R-6
Restricted Waterfront Residential	R-W

Professional District	Abbreviated Designation
Medical Park	MP

Commercial Districts	Abbreviated Designation
Central Commercial	C-1
General Commercial	C-2
Industrial/Commercial	I-C
Waterfront Heritage	WH
Hollering Place	HP

Table 17.30.010 – Zoning Districts in the City of Coos Bay (Continued)

Industrial Districts	Abbreviated Designation
General Industrial	G-I
Waterfront Industrial	W-I
Quasi-Public Districts	**Abbreviated Designation**
Park/Cemetery	QP-1
Watershed	QP-2
Public Educational Facilities	QP-3
Transportation Facilities	QP-4
Buffer	QP-5

[Ord. 432 § 3 (Exh. B), 2010; Ord. 363, 2005; Ord. 164, 1990; Ord. 93 § 1.2, 1987].

Chapter 17.35

SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

Sections:

17.35.010 Intent.
17.35.020 Permitted uses.
17.35.030 Conditional uses.
17.35.040 Uses expressly prohibited.
17.35.050 Property development requirements.

17.35.010 Intent.

The R-1 district is included in the zoning regulations to achieve the following city objectives:

(1) To provide for the accommodation of low-density residential development within the corporate limits of the city.

(2) To reserve appropriately developed areas for single-family living.

(3) To protect the single-family dwellings from the lack of privacy associated with multiple-family dwellings.

(4) To preserve and enhance the amenities associated with residential development in varied topographic settings.

(5) To provide a variety of housing to satisfy individual preferences and financial capabilities. [Ord. 93 § 2.1.1, 1987].

17.35.020 Permitted uses.

The following uses are permitted in the R-1 zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Single-family dwelling including manufactured homes which are subject to special siting standards.

(2) Commercial Use Types.

(a) Home occupation (see Chapter 17.260 CBMC).

(b) Child care facility (fewer than 13). [Ord. 206, 1994; Ord. 148 § 5, 1989; Ord. 93 § 2.1.2, 1987].

17.35.030 Conditional uses.

The following uses are permitted in the R-1 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Group residential care facility.

(b) Planned unit development (see Chapter 17.270 CBMC).

(2) Civic Use Types. Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 17.150 CBMC.

(a) Administrative service.

(b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(c) Community recreation.

(d) Educational service.

(e) Public safety service.

(f) Religious assembly.

(g) Utility and service – No outside equipment storage permitted.

(3) Commercial Use Types.

(a) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC). [Ord. 309, 2001; Ord. 148 § 6, 1989; Ord. 93 § 2.1.3, 1987].

17.35.040 Uses expressly prohibited.

The following uses are expressly prohibited in the R-1 zoning district:

(1) Residential Use Types.

(a) Duplex dwelling.

(b) Group residential.

(c) Mobile home or recreational vehicle on an individual lot, except that unoccupied recreational vehicles may be stored; provided, that they are not located within a vision clearance area.

(d) Multiple-family dwelling.

(e) Zero lot line development.

(2) Civic Use Types. Not specifically mentioned.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 148 § 7, 1989; Ord. 93 § 2.1.4, 1987].

17.35.050 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-1 zone except as specifically regulated in this section.

(1) Lot Standards.

(a) Minimum area: 6,000 square feet.

(b) Minimum width: 40 feet.

(2) Building Coverage. Maximum lot coverage shall not exceed 35 percent of the total lot area.

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet.

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 93 § 2.1.5, 1987].

Chapter 17.40

SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT (R-2)

Sections:

17.40.010 Intent.
17.40.020 Permitted uses.
17.40.030 Conditional uses.
17.40.040 Uses expressly prohibited.
17.40.050 Property development requirements.

17.40.010 Intent.

The R-2 district is included in the zoning regulations to achieve the following city objectives:

(1) To reserve appropriately located areas for single-family and duplex family living at population densities consistent with the comprehensive plan and sound standards of public health and safety.

(2) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment.

(3) To facilitate the provision of utility services and other public facilities commensurate with the anticipated population densities and service requirements. [Ord. 93 § 2.2.1, 1987].

17.40.020 Permitted uses.

The following uses are permitted in the R-2 zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Duplex dwelling.

(d) Single-family dwelling including manufactured homes which are subject to special siting standards.

(e) Zero lot line development (see Chapter 17.150 CBMC).

(2) Commercial Use Types.

(a) Child care facility (fewer than 13).

(b) Home occupation (see Chapter 17.260 CBMC). [Ord. 206, 1994; Ord. 148 § 8, 1989; Ord. 93 § 2.2.2, 1987].

17.40.030 Conditional uses.

The following uses are permitted in the R-2 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Accessory apartment (see Chapter 17.250 CBMC).

(b) Group residential care facility.

(c) Planned unit development (see Chapter 17.270 CBMC).

(d) Accessory use or building on a separate lot or parcel (see Chapter 17.285 CBMC).

(2) Civic Use Types. Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 17.150 CBMC.

(a) Administrative service.

(b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(c) Community recreation.

(d) Educational service.

(e) Library service and cultural exhibit.

(f) Lodge, club, fraternal, or civic assembly.

(g) Public safety service.

(h) Religious assembly.

(i) Utility and service – No outside storage of equipment.

(3) Commercial Use Types.

(a) Child care facility.

(b) Convenience sales and personal service.

(c) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC).

(d) Tourist habitation – Bed and breakfast. [Ord. 309, 2001; Ord. 93 § 2.2.3, 1987].

17.40.040 Uses expressly prohibited.

The following uses are expressly prohibited in the R-2 zoning district:

(1) Residential Use Types.

(a) Certified factory-built home (except manufactured homes as specifically mentioned) or recreational vehicle on an individual lot, except that unoccupied recreational vehicles may be stored provided they are not located within a vision clearance area.

(b) Group residential.

(c) Multiple-family dwelling.

(2) Civic Use Types. Not specifically mentioned.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 206, 1994; Ord. 93 § 2.2.4, 1987].

17.40.050 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-2 zone except as specifically regulated in this section.

(1) Lot Standards.

(a) Minimum area: 5,000 square feet for each single-family dwelling unit, and 7,000 square feet for each duplex.

(b) Minimum width: 40 feet.

(2) Building Coverage. Maximum lot coverage shall not exceed 40 percent of the total lot area.

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet.

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 93 § 2.2.5, 1987].

Chapter 17.45

MULTIPLE RESIDENTIAL DISTRICT (R-3)

Sections:

17.45.010 Intent.
17.45.020 Permitted uses.
17.45.030 Conditional uses.
17.45.040 Uses expressly prohibited.
17.45.050 Property development requirements.

17.45.010 Intent.

The R-3 district is included in the zoning regulations to achieve the following city objectives:

(1) To encourage the development of higher density multiple residential structures, rather than lower density areas.

(2) To serve as a transitional district from commercial and professional districts to lower density single-family and duplex residential districts.

(3) To provide a variety of housing types to satisfy individual preferences and financial capabilities. [Ord. 93 § 2.3.1, 1987].

17.45.020 Permitted uses.

The following uses are permitted in the R-3 zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Group residential.

(d) Multiple-family dwelling.

(e) Zero lot line development (see Chapter 17.150 CBMC).

(f) A legally established single-family dwelling or duplex preexisting the adoption of the ordinance codified in this title:

(i) In the event of damage to or destruction of such single-family dwelling or duplex, the structure must be rebuilt within 12 months of such event in order to continue the residential use.

(ii) An extension of time beyond the 12-month period referenced in the preceding subsection may be granted by the planning commission for good cause shown.

(2) Commercial Use Types.

(a) Child care facility (fewer than 13).

(b) Home occupation (see Chapter 17.260 CBMC).

Chapter 17.45
MULTIPLE RESIDENTIAL DISTRICT (R-3)

Sections:

17.45.010 Intent.
17.45.020 Permitted uses.
17.45.030 Conditional uses.
17.45.040 Uses expressly prohibited.
17.45.050 Property development requirements.

17.45.010 Intent.
The R-3 district is included in the zoning regulations to achieve the following city objectives:

(1) To encourage the development of higher density multiple residential structures, rather than lower density areas.

(2) To serve as a transitional district from commercial and professional districts to lower density single-family and duplex residential districts.

(3) To provide a variety of housing types to satisfy individual preferences and financial capabilities. [Ord. 93 § 2.3.1, 1987].

17.45.020 Permitted uses.
The following uses are permitted in the R-3 zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Group residential.

(d) Multiple-family dwelling.

(e) Zero lot line development (see Chapter 17.150 CBMC).

(f) Legally established single-family and duplex residential use types, pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

(2) Commercial Use Types.

(a) Child care facility (fewer than 13).

(b) Home occupation (see Chapter 17.260 CBMC).

(c) Tourist habitation – Bed and breakfast. [Ord. 440 § 3 (Exh. A(B)), 2010; Ord. 398, 1997; Ord. 148 § 9, 1989; Ord. 93 § 2.3.2, 1987].

17.45.030 Conditional uses.
The following uses are permitted in the R-3 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Accessory apartment (see Chapter 17.250 CBMC).

(b) Duplex dwelling.

(c) Group residential care facility.

(d) Multiple-family dwelling, greater than 35 feet in height and three stories.

(e) Planned unit development (see Chapter 17.270 CBMC).

(f) Single-family dwelling, including manufactured homes which are subject to special siting standards.

(g) Single-family dwelling combined with a multiple-family dwelling on the same lot.

(2) Civic Use Types. Buildings must be residential in appearance and maintain the character of the area and must maintain yards as required by Chapter 17.150 CBMC.

(a) Administrative service.

(b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(c) Community recreation.

(d) Educational service.

(e) Library service and cultural exhibit.

(f) Lodge, club, fraternal, or civic assembly.

(g) Public safety service.

(h) Religious assembly.

(i) Utility and service – No outside storage of equipment permitted.

(3) Commercial Use Types.

(a) Child care facility.

(b) Convenience sales and personal service.

(c) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC). [Ord. 309, 2001; Ord. 206, 1994; Ord. 93 § 2.3.3, 1987].

17.45.040 Uses expressly prohibited.
The following uses are expressly prohibited in the R-3 zoning district:

(1) Residential Use Types. Certified factory-built home (except manufactured home as specifically mentioned) or recreational vehicle on an individual lot, except that unoccupied recreational vehicles may be stored provided they are not located within a vision clearance area.

(2) Civic Use Types. Not specifically mentioned.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 206, 1994; Ord. 93 § 2.3.4, 1987].

17.45.050 Property development requirements.
The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-3 zone except as specifically regulated in this section.

(1) Lot Standards.

(a) Minimum Area. Minimum lot areas for each building containing multiple-family dwelling units are listed in Table 17.45.050.

(b) Minimum Width. Each lot shall have a minimum width of 40 feet.

Table 17.45.050
– Minimum Lot Area by Number of Units within a Multiple-Family Dwelling

No. of Units	Total Area	Building Area	Yard Area	Percent of Area Covered by Building
1	5,000	2,200	2,800	44.0
2	7,000	3,080	3,920	44.0
3	6,200	2,790	3,410	45.0
4	7,400	3,404	3,996	46.0
5	8,600	4,042	4,558	47.0
6	9,800	4,704	4,896	48.0

7	11,000	5,500	5,500	50.0
8	12,200	6,100	6,100	50.0
9	13,400	6,700	6,700	50.0
10	14,600	7,300	7,300	50.0
11	15,800	7,900	7,900	50.0
12	17,000	8,500	8,500	50.0
13	18,200	9,100	9,100	50.0
14	19,400	9,700	9,700	50.0
15+	Add 1,200 sq. ft. for every unit over 14			

(2) Building Coverage. A maximum of 44 percent of the lot area for single-family and duplex dwelling units may be covered. The maximum lot coverage for multifamily dwellings is found in the sliding scale in Table 17.45.050, under percent of area covered by building.

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, except as permitted under conditional uses.

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 93 § 2.3.5, 1987].

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Chapter 17.50
RESIDENTIAL/PROFESSIONAL DISTRICT (R-4P)

Sections:

17.50.010 Intent.
17.50.020 Permitted uses.
17.50.030 Conditional uses.
17.50.040 Uses expressly prohibited.
17.50.050 Property development requirements.

17.50.010 Intent.
The R-4P district is included in the zoning regulations to achieve the following city objectives:

(1) To establish and reserve appropriately located areas for desirable mixtures of professional and administrative business offices and higher density multifamily residential uses.

(2) To promote the development of professional and administrative offices in the vicinity of commercial zones and multifamily residential zones, along major thoroughfares, or in other suitable portions of the city.

(3) To preserve the characteristics of the residential environment insofar as possible while permitting selected nonresidential uses.

(4) To preserve adequate usable open space for the benefit of the occupants within the area and to ensure appropriate development of sites occupied by other permitted uses in a manner compatible to and harmonious with residential uses in the area.

(5) To establish a zone which permits a mixture of uses, acts as a buffer and produces a gradual change between commercial and residential zones. [Ord. 93 § 2.4.1, 1987].

17.50.020 Permitted uses.
The following uses are permitted in an R-4P zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Group residential.

(d) Home occupation (see Chapter 17.260 CBMC).

(e) Multiple-family dwelling.

(f) Single-family dwelling, including manufactured homes which are subject to special siting standards, in combination with a permitted nonresidential use combined in a single building.

(g) Zero lot line development (see Chapter 17.150 CBMC).

(h) Legally established single-family and duplex residential use types, pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

(2) Civic Use Types.

(a) Administrative service.

(3) Commercial Use Types.

(a) Business/property maintenance service.

(b) Business support service.

(c) Child care facility (fewer than 13).

(d) Financial, insurance, and real estate service.

(e) Medical service.

(f) Personal service, general.

(g) Planned unit development (see Chapter 17.270 CBMC).

(h) Professional and administrative service.

(i) Repair service, consumer, except gasoline engine repair.

(j) Tourist habitation – Bed and breakfast. [Ord. 440 § 3 (Exh. A(C)), 2010; Ord. 206, 1994; Ord. 148 § 10, 1989; Ord. 93 § 2.4.2, 1987].

17.50.030 Conditional uses.

The following uses are permitted in the R-4P zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Accessory apartment (see Chapter 17.250 CBMC).

(b) Duplex dwelling unit.

(c) Group residential care facility.

(d) Multiple-family dwelling greater than 35 feet in height.

(e) Single-family dwelling, including manufactured homes which are subject to special siting standards.

(2) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(b) Community recreation.

(c) Educational service.

(d) Library service and cultural exhibit.

(e) Lodge, club, fraternal, or civic assembly.

(f) Parking service.

(g) Public safety service.

(h) Religious assembly.

(i) Utility and service.

(3) Commercial Use Types.

(a) Animal sales and service – Grooming.

(b) Automotive and equipment – Parking.

(c) Child care facility.

(d) Convenience sales and service.

(e) Dining establishment – Sit-down within an existing dwelling.

(f) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC).

(g) Participant sports and recreation – Indoor, in an existing building. [Ord. 309, 2001; Ord. 93 § 2.4.3, 1987].

17.50.040 Uses expressly prohibited.
The following uses are expressly prohibited in the R-4P zoning district:

(1) Residential Use Types.

(a) Certified factory-built home (except manufactured homes as specifically mentioned) or recreational vehicle on an individual lot, except that unoccupied recreational vehicles may be stored provided they are not located within a vision clearance area.

(2) Civic Use Types.

(a) Hospital.

(b) Postal service.

(c) Refuse service.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 206, 1994; Ord. 93 § 2.4.4, 1987].

17.50.050 Property development requirements.
The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-4P zone except as specifically regulated in this section.

(1) Lot Standards.

(a) Minimum Area.

(i) Five thousand square feet for single-family dwellings.

(ii) Seven thousand square feet for duplex dwellings.

(iii) Six thousand two hundred square feet for three attached dwelling units and not more than one additional dwelling unit per 1,200 square feet thereafter.

(iv) All other lots shall be a minimum of 5,000 square feet.

(b) Minimum Width. Each lot shall have a minimum of 40 feet.

(2) Building Coverage. Maximum lot coverage shall not exceed 50 percent of the total lot area.

(3) Building Height. No building or structure shall have a height greater than three stories, or not to exceed 35 feet, except as permitted under CBMC 17.50.030, Conditional uses.

(4) Yards.

(a) Residential uses shall conform to the requirements of Chapter 17.150 CBMC.

(b) Nonresidential uses, except a bus shelter, shall provide yards not less than:

(i) Five feet from the interior side and rear lot lines.

(ii) Ten 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.

(5) Landscaping and Screening.

(a) Heating and air equipment for nonresidential uses shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas for nonresidential uses must be enclosed and screened from public view. [Ord. 309, 2001; Ord. 93 § 2.4.5, 1987].

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(b) Minimum Width. Each lot shall have a minimum of 40 feet.

(2) Building Coverage. Maximum lot coverage shall not exceed 50 percent of the total lot area.

(3) Building Height. No building or structure shall have a height greater than three stories, or not to exceed 35 feet, except as permitted under CBMC 17.50.030, Conditional uses.

(4) Yards.

(a) Residential uses shall conform to the requirements of Chapter 17.150 CBMC.

(b) Nonresidential uses, except a bus shelter, shall provide yards not less than:

(i) Five feet from the interior side and rear lot lines.

(ii) Ten 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.

(5) Landscaping and Screening.

(a) Heating and air equipment for nonresidential uses shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas for nonresidential uses must be enclosed and screened from public view. [Ord. 309, 2001; Ord. 93 § 2.4.5, 1987].

Chapter 17.55

RESIDENTIAL CERTIFIED FACTORY-BUILT HOME PARK DISTRICT (R-5)

Sections:

17.55.010 Intent.
17.55.020 Permitted uses.
17.55.030 Conditional uses.
17.55.040 Uses expressly prohibited.
17.55.050 Property development requirements.

17.55.010 Intent.

The R-5 district is included in the zoning regulations to achieve the following city objectives:

(1) To ensure adequate light, air, privacy, and to provide usable open space for the benefit of the occupants and to ensure long-term market acceptance of certified factory-built home parks.

(2) To preserve and enhance the amenities associated with residential certified factory-built home parks in varied topographical settings.

(3) To provide a variety of housing types to satisfy individual preferences and financial capabilities.

(4) To preserve the integrity of conventional neighborhoods. [Ord. 93 § 2.5.1, 1987].

17.55.020 Permitted uses.

The following uses are permitted in the R-5 zoning district:

(1) Residential Use Types.

(a) Accessory building required or allowed by the city of Coos Bay or by the state of Oregon.

(b) Community/recreation building intended for use of park residents.

(c) Laundry facility, outward appearance must retain a residential character.

(d) Recreational vehicle, maximum 10 percent of the total number of mobile home spaces, provided all sites complying with CBMC 17.275.030(4)(a)(i) through (iv).

(e) Residential certified factory-built home.

(f) Single-family dwelling, including manufactured homes which are subject to special siting standards, for owner/manager, must be of conventional construction and maintain a residential appearance.

(2) Commercial Use Types.

(a) Child care facility (fewer than 13).

(b) Home occupation (see Chapter 17.260 CBMC). [Ord. 206, 1994; Ord. 148 § 11, 1989; Ord. 93 § 2.5.2, 1987].

17.55.030 Conditional uses.

The following uses are permitted in the R-5 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Commercial Use Types.

(a) Convenience sales and personal service (see Chapter 17.265 CBMC).

(b) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC).

(2) Residential Use Types.

(a) Group residential care facilities.

(3) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC). [Ord. 309, 2001; Ord. 148 § 12, 1989; Ord. 93 § 2.5.3, 1987].

17.55.040 Uses expressly prohibited.

The following uses are expressly prohibited in the R-5 zoning district:

(1) Residential Use Types.

(a) Single-family, duplex, and multiple-family dwellings not specified as conditional.

(2) Civic Use Types. Not specifically mentioned.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 93 § 2.5.4, 1987].

17.55.050 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and permanent structures in the R-5 zone except as specifically regulated in this section. All extensions or improvements made to existing residential certified factory-built home parks made after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(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.

(2) Minimum park area: one acre.

(3) Unit density: not more than eight but no less than five dwelling units per acre.

(4) Access and Roads.

(a) There shall be vehicular and pedestrian access to the park from a dedicated and improved street.

(b) Roads within a park shall be paved according to the following minimum standards:

(i) Twenty feet where no on-street parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed on one side of the street.

(iii) Thirty-six feet where parking is permitted on both sides of the street.

(iv) All private streets and ways within the park shall be built as approved by the public works department.

(v) An additional five feet from each edge of the pavement or two feet from the edge of the sidewalk shall be designated as right-of-way from which setbacks are to be measured.

(vi) When on-street parking is provided, it may substitute for the guest and second parking requirements if approved by the planning commission.

(vii) All roads and streets within the park shall be named as approved by the city planning commission. The owner or operator of the park shall furnish, install, and maintain street signs of a type approved by the public works department.

(5) Services.

(a) Sewer. Every residential certified factory-built home park shall be connected to a sanitary sewer. Each space shall be provided with a connection to the sewer.

(b) Water. Every residential certified factory-built home park shall be connected to a supply of potable water for domestic use. Each space shall be provided with a connection to the water supply.

(c) Utilities. All utilities, including telephone, television, and electricity, shall be installed underground throughout the park and shall be provided at each space.

(d) Fire Protection. No space shall be occupied that is not located within 500 feet of a fire hydrant, following the street right-of-way. Existing spaces now located or occupied at a distance greater than 500 feet from an approved hydrant may continue until such time as the park is expanded in size or number of spaces.

At the time of such expansion, the owner or operator of the park shall have installed one or

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

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

(6) Open Space and Recreational Area.

(a) Minimum Area. Open space shall constitute six percent of the total gross area of the park. Improved recreational areas shall have a minimum area of 8,000 square feet or 100 square feet per dwelling unit, whichever is greater.

(b) Plan. The site plan shall contain the following:

(i) Boundaries of the proposed areas.

(ii) Written explanation of the purposes of the areas and a description of any improvements to be made.

(iii) Description of the manner in which the area will be perpetuated, maintained, and administered.

(c) Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.

(7) Landscaping. All exposed ground surface in all parts of the park shall be protected and maintained with landscaping to include plant material, paving, gravel, and/or other solid material that will prevent soil erosion, mud, and dust within the park. The ground surface in the park shall be graded and furnished with drainage facilities to drain all surface water in a safe, efficient, and sanitary manner.

(8) Fences and Walls. A visual barrier shall be provided and maintained such as a solid fence, a concrete wall, or an approved buffer of trees or shrubs between the mobile home park and abutting properties. The barrier shall have a minimum height of six feet, except the area defined as the entrance of the park where the wall may be three feet for vision clearance.

(9) Signs.

(a) Signs within the mobile home park shall be no larger than two square feet.

(b) The sign at the entrance identifying the park shall not advertise any limited commercial or laundry facility contained within.

(10) Off-Street Parking and Loading. The provisions of Chapter 17.200 CBMC, Off-Street Parking and Loading, shall apply.

(11) Special Mobile Home Siting Requirements.

(a) Certified Factory-Built Homes and Parks.

(i) Only certified factory-built homes shall be allowed in the R-5 district.

(ii) Residential certified factory-built home parks and units shall be required to meet all state requirements for mobile home parks.

(iii) Recreational vehicles may be allowed in accordance with CBMC 17.55.020.

(b) Yards. Building separation in a mobile home park for each mobile home and its accessory structures shall be in accordance with the following:

(i) A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park, or closer than five feet from a park property boundary line or street right-of-way.

(ii) To prevent the spread of fire from one mobile home to another (unless otherwise approved by the inspecting authority) the yard shall conform to the requirements of the International Building Code.

(c) Building Height. No dwelling or accessory building shall be erected or installed with a height in excess of 17 feet.

(d) Skirting. Mobile homes shall be skirted to provide an appearance of permanency.

(e) Storage Facilities. Each space shall have a minimum of 50 square feet of totally enclosed storage space.

(f) Accessory Buildings. Accessory buildings and other similar permanent structures may be installed or erected in conjunction with a space and shall require a building permit. These structures shall be deemed to be a part of the certified factory-

built home and the distance between structures set forth in subsection (11)(b)(i) of this section.

(12) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

(13) Fees.

(a) Site plan and architectural review filing fee.

(b) Plan Check Fee. As part of the site plan and architectural review, the construction plans and specifications shall be submitted for review. At this time the applicant shall pay a plan check fee which is established by resolution of the city council. If the plans must be corrected and then rechecked, the applicant shall also pay any additional actual costs incurred.

(c) Inspection Fee. The fee for the city's ongoing inspection of street and utility improvements shall be established by resolution of the city council. This fee shall be paid by the applicant when the contract for improvements is executed. Additional inspection costs incurred by the city exceeding the initial cash advance set by resolution shall be based upon actual costs and shall be paid before the city formally accepts the public improvements. Any portion of the cash advance not expended shall be refunded to the applicant after staff determines inspection is complete. The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for review.

(d) Bond, Cash, or Security Deposit for Public Improvements. A surety or performance bond, cash or negotiable security deposit approved by the council shall be filed for the public improvements in an amount established by resolution when the contract for improvements is executed. Terms of the bond or depository are discussed further in subsection (14)(c) of this section. The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for final determination.

(14) Park Improvements.

(a) Construction Plans and Specifications. As part of the site plan and architectural review application, the applicant shall submit to the public works department construction plans, profile and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department. A copy of the water system plans shall be submitted to public works by the applicant.

(b) Contract for Improvements. Within 48 months of site plan and architectural review and review of the improvement plans and specifications, but prior to the issuance of any development permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. At the time the improvement agreement is executed, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works department. Further extensions must be approved by the planning commission.

(c) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city recorder in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:

(i) Name the city as obligee.

(ii) Be in a form approved by the city attorney.

(iii) Be conditioned upon the final approval and acceptance of the development.

(iv) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.

(v) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.

(vi) Cover any costs, attorneys' fees, and liquidation damages resulting from delay or failure to meet the deadline.

(d) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

(e) Acceptance of Improvements. Upon completion of the improvements, the applicant shall submit record drawings to the public works department of the street and sanitary/storm sewer plan profiles. [Ord. 309, 2001; Ord. 148 § 13, 1989; Ord. 93 § 2.5.5, 1987].

Chapter 17.60

RESTRICTED WATERFRONT RESIDENTIAL DISTRICT (R-W)

Sections:

17.60.010 Intent.
17.60.020 Permitted uses.
17.60.030 Conditional uses.
17.60.040 Uses expressly prohibited.
17.60.050 Property development requirements.

17.60.010 Intent.

It is the intent of this section to set forth special land development regulations and review requirements on all proposed public or private development within the designated R-W areas in order to promote the following city objectives:

(1) To provide essential protection to designated waterfront areas from pollution and erosion.

(2) To ensure that, where possible, public vehicular and/or pedestrian access to the waterfront are provided and maintained.

(3) To encourage excellence of design through the best possible arrangement, location and development of permitted urban activities.

(4) To encourage the concentration of multiple-family dwellings, and other dwelling unit types by clustering and/or other appropriate means in order to maintain sufficient amount of open space without prohibiting the use of the land for residential purposes.

(5) To ensure that urban development will enhance and preserve of the R-W district. [Ord. 93 § 2.6.1, 1987].

17.60.020 Permitted uses.

The following uses are permitted in the R-W zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Child care facility (fewer than 13).

(c) Cluster development (see Chapter 17.255 CBMC).

(d) Duplex dwelling.

(e) Multiple-family dwelling.

(f) Planned unit development (see Chapter 17.270 CBMC).

(g) Single-family dwelling.

(h) Zero lot line development (see Chapter 17.150 CBMC).

(2) Commercial Use Types.

(a) Home occupation (see Chapter 17.260 CBMC).

(b) Tourist habitation – Bed and breakfast. [Ord. 206, 1994; Ord. 148 §§ 14, 17, 1989; Ord. 93 § 2.6.2, 1987].

17.60.030 Conditional uses.

The following uses are permitted in the R-W zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Group residential.

(b) Group residential care facility.

(c) Multiple-family dwelling greater than 35 feet in height.

(2) Civic Use Types. Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required in Chapter 17.150 CBMC.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(b) Community recreation.

(c) Educational service.

(d) Lodge, club, fraternal, or civic assembly.

(e) Religious assembly.

(f) Utility and service.

(3) Commercial Use Types.

(a) Child care facility.

(b) Convenience sales and personal service (see Chapter 17.265 CBMC).

(c) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC). [Ord. 309, 2001; Ord. 93 § 2.6.3, 1987].

17.60.040 Uses expressly prohibited.

The following uses are expressly prohibited in the R-W zoning district:

(1) Residential Use Types. Mobile home or recreational vehicle on an individual lot, except that unoccupied recreational vehicles may be stored; provided, that they are not located within a vision clearance area.

(2) Civic Use Types. Not specifically mentioned.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 93 § 2.6.4, 1987].

17.60.050 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-W zone except as specifically regulated in this section.

(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.

(2) Lot Standards.

(a) Minimum Area. Lot area shall not be less than that shown in Table 17.60.050.

Table 17.60.050 – Minimum Lot Area by Number of Units (R-W)

Number of Units	Square Feet
1	6,000
2	7,200
3	7,200 plus 1,200 for each additional

(b) Minimum Width. Each lot shall have a minimum width of 40 feet.

(3) Building Coverage. Maximum lot coverage shall not exceed 44 percent of the total lot area.

(4) Building Height. No single-family, duplex or accessory building or structure shall have a height greater than three stories, not to exceed 35 feet. Any multiple-family dwelling greater than 35 feet in height shall require a conditional use permit.

(5) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 93 § 2.6.5, 1987].

Chapter 17.65

MEDICAL PARK DISTRICT (MP)

Sections:

17.65.010 Intent.
17.65.020 Permitted uses.
17.65.030 Conditional uses.
17.65.040 Uses expressly prohibited.
17.65.050 Property development requirements.

17.65.010 Intent.

The medical park district is included in the zoning regulations to achieve the following city objectives:

(1) To encourage the centralization of Coos Bay's medical facilities.

(2) To provide space for semi-public facilities needed to complement medical facilities.

(3) To facilitate the establishment of the medical park district as an efficient regional referral center.

(4) To facilitate the planning and programming of desirable and/or needed utilities and facilities to adequately accommodate planned service level and intensity of use.

(5) To create an aesthetically pleasing, park-like environment conducive to the promotion of mental health and general well-being.

(6) To establish and reserve appropriately located areas for desirable mixtures of medically related professional, limited complementary commercial, administrative business offices, and medically related multifamily residential uses.

(7) To control the encroachment of medically related facilities into established or intended residential areas. [Ord. 93 § 2.7.1, 1987].

17.65.020 Permitted uses.

The following uses are permitted in the MP zoning district:

(1) Residential Use Types.

(a) Group residential care facility.

(2) Civic Use Types.

(a) Hospital.

(b) Utility and service – No outside storage of equipment permitted.

(3) Commercial Use Types.

(a) Medical service.

(b) Retail sales, general – Pharmacy only. [Ord. 93 § 2.7.2, 1987].

17.65.030 Conditional uses.

The following uses are permitted in the MP zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types. Multiple-family which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas.

(2) Commercial Use Types.

(a) Child care facility.

(b) Retail sales, general – Florist or gift shop only.

(c) Tourist Habitation. Lodging which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas.

(3) Any suitable combination of uses permitted in CBMC 17.65.020 and this section.

(4) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC). [Ord. 309, 2001; Ord. 93 § 2.7.3, 1987].

17.65.040 Uses expressly prohibited.

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

(1) Residential Use Types. Except as specifically mentioned.

(2) Civic Use Types. Except as specifically mentioned.

(3) Commercial Use Types. Except as specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 93 § 2.7.4, 1987].

17.65.050 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the MP district unless otherwise superseded by site plan and architectural review, or as specifically regulated in this section.

(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.

(2) Lot Standards.

(a) Residential.

(i) Minimum area: 8,000 square feet for the first three dwelling units and not more than one dwelling unit per 1,200 square feet thereafter.

(ii) Minimum width: each lot shall have a minimum width of 40 feet.

(b) Nonresidential.

(i) Minimum area: none required.

(ii) Minimum width: none required.

(3) Building Coverage. Maximum lot coverage by buildings and structures shall not exceed 50 percent of the total lot area.

(4) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, unless otherwise approved through site plan and architectural review.

(5) Landscaping and Screening.

(a) Heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas must be enclosed and screened from public view.

(6) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 93 § 2.7.5, 1987].

Chapter 17.70

CENTRAL COMMERCIAL DISTRICT (C-1)

Sections:

17.70.010 Intent.
17.70.020 Permitted uses.
17.70.030 Conditional uses.
17.70.040 Expressly prohibited.
17.70.050 Property development requirements.

17.70.010 Intent.

The C-1 district is included in the zoning regulations to achieve the following city objectives:

(1) A planned, unified center for the general retailing, merchandising and servicing of goods and products.

(2) To provide a full range of professional, financial and governmental services and activities for the Coos Bay area and south coast region of Oregon.

(3) Preserve the significance and character of the city's major commercial district and its value to the city in terms of its concentration of employment and density of development.

(4) Prohibit uses which are undesirable due to such things as noise, outside storage of material, or impediment to the flow of traffic. [Ord. 93 § 2.8.1, 1987].

17.70.020 Permitted uses.

The following uses shall be permitted outright in the C-1 zoning district:

(1) Residential Use Types. Family and group residential above the first floor or story.

(2) Civic Use Types.

(a) Administrative service.

(b) Library service and cultural exhibit.

(c) Lodge, club, fraternal, or civic assembly – Small.

(d) Postal service.

(e) Public safety service.

(f) Religious assembly – Small.

(g) Transportation service, excluding fleet storage of vehicles.

(3) Commercial Use Types.

(a) Animal sales and service.

(i) Grooming.

(ii) Pet shop.

Chapter 17.70
CENTRAL COMMERCIAL DISTRICT (C-1)

Sections:

17.70.010 Intent.
17.70.020 Permitted uses.
17.70.030 Conditional uses.
17.70.040 Expressly prohibited.
17.70.050 Property development requirements.

17.70.010 Intent.
The C-1 district is included in the zoning regulations to achieve the following city objectives:

(1) A planned, unified center for the general retailing, merchandising and servicing of goods and products.

(2) To provide a full range of professional, financial and governmental services and activities for the Coos Bay area and south coast region of Oregon.

(3) Preserve the significance and character of the city's major commercial district and its value to the city in terms of its concentration of employment and density of development.

(4) Prohibit uses which are undesirable due to such things as noise, outside storage of material, or impediment to the flow of traffic. [Ord. 93 § 2.8.1, 1987].

17.70.020 Permitted uses.
The following uses shall be permitted outright in the C-1 zoning district:

(1) Residential Use Types.

(a) Family and group residential above the first floor or story.

(b) Legally established residential use types pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

(2) Civic Use Types.

(a) Administrative service.

(b) Library service and cultural exhibit.

(c) Lodge, club, fraternal, or civic assembly – Small.

(d) Postal service.

(e) Public safety service.

(f) Religious assembly – Small.

(g) Transportation service, excluding fleet storage of vehicles.

(3) Commercial Use Types.

(a) Animal sales and service.

(i) Grooming.

(ii) Pet shop.

(b) Automotive and equipment – Repairs, light equipment (all storage of materials and equipment, and operations, except minor repairs, within an enclosed building).

(c) Building/property maintenance service.

(d) Business equipment sales and service.

(e) Business support service.

(f) Child care facility.

(g) Child care facility (fewer than 13).

(h) Communications service.

(i) Dining establishment – Fast order food and sit-down.

(j) Drinking establishment.

(k) Financial, insurance, and real estate service.

(l) Food and beverage retail sales.

(m) Fuel sales.

(n) Funeral and interment service – Undertaking.

(o) Laundry service.

(p) Medical service.

(q) Participant sports and recreation – Indoor.

(r) Personal service, general.

(s) Professional and administrative service.

(t) Repair service, consumer.

(u) Retail sales, general, except adult book store.

(v) Spectator Sports and Entertainment. Indoor, except adult movies and adult movie arcade.

(w) Tourist habitation – Lodging and bed and breakfast.

(4) Industrial Use Types.

(a) Limited manufacturing (see Chapter 17.280 CBMC). [Ord. 440 § 3 (Exh. A (D)), 2010; Ord. 224, 1996; Ord. 148 §§ 15, 18, 1989; Ord. 93 § 2.8.2, 1987].

17.70.030 Conditional uses.
The following uses are permitted in the C-1 zoning district if authorized in accordance with the provisions of Chapter 17.355 CBMC:

(1) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(b) Educational service.

(c) Lodge, club, fraternal, or civic assembly – Large.

(d) Parking service.

(e) Religious assembly – Large.

(f) Utility and service.

(2) Commercial Use Types.

(a) Automotive and equipment – Cleaning and parking.

(3) Industrial Use Types.

(a) Manufacturing (see Chapter 17.280 CBMC). [Ord. 309, 2001; Ord. 93 § 2.8.3, 1987].

17.70.040 Expressly prohibited.
The following uses are expressly prohibited in the C-1 zoning district:

(1) Residential Use Types. Except as specifically mentioned.

(2) Civic Use Types.

(a) Community recreation.

(b) Hospital.

(3) Commercial Use Types.

(a) Agricultural sales.

(b) Agricultural service – Auction.

(c) Animal sales and service.

(i) Kennel.

(ii) Veterinary, large animal.

(iii) Veterinary, small animal.

(d) Automotive and equipment.

(i) Fleet storage.

(ii) Repairs, heavy equipment.

(iii) Sales/rental, heavy equipment.

(iv) Sales/rental, light equipment.

(v) Storage, nonoperating vehicles.

(e) Construction sales and service.

(f) Funeral and interment service – Cemetery, cremating/interring.

(g) Participant sports and recreation – Outdoor.

(h) Scrap operations.

(i) Spectator sports and entertainment – Outdoor.

(j) Tourist habitation – Campground.

(k) Wholesale, storage, and distribution.

(4) Agricultural Use Types.

(a) Animal husbandry.

(b) Animal waste processing.

(c) Food packing and processing.

(d) Horticulture.

(5) Industrial Use Types.

(a) Mining and processing. [Ord. 224, 1996; Ord. 93 § 2.8.4, 1987].

17.70.050 Property development requirements.
The following property development requirements shall apply to all land and structures in the C-1 district in addition to applicable standards of Division III of this title:

(1) Lot Standards. No requirements.

(2) Building Coverage. No requirements.

(3) Building Height. No restrictions other than those imposed by the building code.

(4) Yards. No requirements other than those imposed by the building code.

(5) Landscaping and Screening.

(a) All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas must be enclosed and screened from public view. [Ord. 93 § 2.8.5, 1987].

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Chapter 17.75
GENERAL COMMERCIAL DISTRICT (C-2)

Sections:

17.75.010 Intent.
17.75.020 Permitted uses.
17.75.030 Conditional uses.
17.75.040 Uses expressly prohibited.
17.75.050 Property development requirements.

17.75.010 Intent.
The C-2 district is included in the zoning regulations to achieve the following city objectives:

(1) A general commercial district providing a broad range of commercial and other services that are easily accessible to all residential areas, will promote the economic stability and future growth of the city, and will permit limited residential and industrial uses.

(2) A district allowing uses and services not permitted in the central commercial zoning district. [Ord. 93 § 2.9.1, 1987].

17.75.020 Permitted uses.
The following uses are permitted in the C-2 zoning district:

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

(2) Residential Use Types.

(a) Combination of permitted commercial uses with residential uses on the first floor; provided, that the residential use does not occupy more than 30 percent of the building coverage. This use is not permitted in the design area designated by Chapter 17.240 CBMC.

(b) Manufactured home when used as a dwelling for a caretaker or watchman's quarters for a participant sports and recreational use type, provided it meets all the property development requirements in CBMC 17.120.050(4) and remains accessory to a commercial use.

(c) Repealed by Ord. 440.

(3) Civic Use Types.

(a) Community recreation.

(4) Commercial Use Types.

(a) Agricultural sales.

(b) Agricultural service.

(c) Automotive and equipment.

(i) Fleet storage.

(ii) Repairs, heavy equipment (all storage of materials and equipment, and operations, except minor repairs, within an enclosed building).

(iii) Sales/rental, heavy.

(iv) Sales/rental, light.

(v) Storage, nonoperating vehicles.

(d) Construction sales and service – Light.

(e) Participant sports and recreation – Outdoor.

(f) Wholesale, storage, and distribution – Mini-warehouse.

(5) Agricultural Use Types.

(a) Horticulture. [Ord. 440 § 3 (Exh. A(E)), 2010; Ord. 302, 2001; Ord. 167, 1991; Ord. 120, 1988; Ord. 93 § 2.9.2, 1987].

17.75.030 Conditional uses.
The following uses are permitted in the C-2 zoning district if authorized in accordance with the provisions of Chapter 17.355 CBMC:

(1) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(2) Commercial Use Types.

(a) Animal sales and service – Auction, kennel, veterinary (large animal), and veterinary (small animal).

(b) Aquaculture.

(c) Construction sales and service – Heavy.

(d) Dryland moorage.

(e) Marina.

(f) Scrap operation – Light (within an enclosed building).

(g) Spectator sports and entertainment – Outdoor.

(h) Tourist habitation – Campground (see Chapter 17.275 CBMC).

(i) Wholesale, storage, and distribution – Light.

(3) Industrial Use Types.

(a) Manufacturing (see Chapter 17.280 CBMC). [Ord. 309, 2001; Ord. 93 § 2.9.3, 1987].

17.75.040 Uses expressly prohibited.
The following uses are expressly prohibited in the C-2 zoning district:

(1) Residential Use Types. Except as specifically mentioned.

(2) Civic Use Types.

(a) Hospital.

(3) Commercial Use Types.

(a) Animal husbandry.

(b) Animal waste processing.

(c) Food packing and processing.

(d) Funeral and interment service – Cemetery, cremating/interring.

(e) Retail sales, general, and adult book store.

(f) Scrap operations – Heavy.

(4) Agricultural Use Types.

(a) Animal husbandry and animal waste processing.

(b) Food packing and processing.

(5) Industrial Use Types.

(a) Mining and processing. [Ord. 93 § 2.9.4, 1987].

17.75.050 Property development requirements.
The following property development requirements shall apply to all land and structures in the C-2 district in addition to applicable standards of Division III of this title:

(1) Lot Standards. No requirements.

(2) Building Coverage. No requirements.

(3) Building Height. No restrictions other than those imposed by the building code.

(4) Yards. No requirements other than those imposed by the building code.

(5) Landscaping and Screening.

(a) All parking areas shall be landscaped in conformance with Chapter 17.200 CBMC, Off-Street Parking and Loading.

(b) All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(c) All storage and trash areas must be enclosed and screened from public view.

(6) Architectural Design Review. Architectural design review as set forth in Chapter 17.390 CBMC may be required for development in the design area defined by Chapter 17.240 CBMC. Design review approval shall be based on compliance with Chapter 17.240 CBMC. [Ord. 302, 2001; Ord. 93 § 2.9.5, 1987].

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Design review approval shall be based on compliance with Chapter 17.240 CBMC. [Ord. 302, 2001; Ord. 93 § 2.9.5, 1987].

Chapter 17.80

GENERAL INDUSTRIAL DISTRICT (G-I)

Sections:

17.80.010 Intent.
17.80.020 Permitted uses.
17.80.030 Conditional uses.
17.80.040 Uses expressly prohibited.
17.80.050 Property development requirements.

17.80.010 Intent.

The G-I district is included in the zoning regulations to achieve the following city objectives:

(1) A zone exclusively for industrial uses.

(2) A zone designed to prevent most commercial activities from using valuable industrial property as has occurred previously in the city.

(3) A zone encouraging intensive industrial uses while attempting to alleviate air, land, water, and visual pollution often associated with industrial usage. [Ord. 309, 2001; Ord. 93 § 2.10.1, 1987].

17.80.020 Permitted uses.

(1) Residential Use Types.

(a) Dwelling for caretaker, watchman, or housing directly required by the use.

(2) Civic Use Types.

(a) Utility and service.

(3) Commercial Use Types.

(a) Scrap operation – Heavy.

(b) Wholesale, storage and distribution – Heavy.

(4) Agricultural Use Types.

(a) Animal waste processing.

(b) Food packing and processing.

(5) Industrial Use Types.

(a) Manufacturing.

(b) Mining and processing. [Ord. 93 § 2.10.2, 1987].

17.80.030 Conditional uses.

(1) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC). [Ord. 309, 2001; Ord. 93 § 2.10.3, 1987].

17.80.040 Uses expressly prohibited.

(1) Residential Use Types. Except as specifically mentioned.

(2) Civic Use Types. Except as specifically mentioned.

(3) Commercial Use Types. Except as specifically mentioned.

(4) Agricultural Use Types.

(a) Animal husbandry and horticulture. [Ord. 93 § 2.10.4, 1987].

17.80.050 Property development requirements.

The following property development requirements shall apply to all land and structures in the G-I district in addition to applicable standards of Division III of this title:

(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.

(2) Lot Standards. No requirements.

(3) Building Coverage. No requirements.

(4) Building Height. No restrictions other than those imposed by the International Building Code.

(5) Fences and Walls. No requirements, except as may be necessary for protection of the health, safety, and general welfare of the public.

(6) Landscaping and Screening.

(a) The external perimeter of the zone shall be screened by a perpetual visual and acoustical barrier which shall be maintained by the property owner. This barrier shall be 40 feet wide and shall consist of:

(i) Undisturbed natural vegetation to a height of 15 feet; or

(ii) At least one row of deciduous or evergreen trees or mixture of each, not less than 15 feet high at time of planting, and spaced not more than 15 feet apart; and

(iii) At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height within one year of planting.

(iv) Combination of berm and plant materials to achieve the results specified in this subsection.

(b) Buffering or screening as visual or acoustical barriers shall not be required between internal buildings or uses within the zone in order to preserve valuable business space.

(7) Noise. The noise levels shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.

(8) Byproducts. There shall be no emissions, odor, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution which exceeds permitted levels of local, state, or federal regulations. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the possible pollution, the owner or agent may be required to show written compliance with state regulations.

(9) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 93 § 2.10.5, 1987].

Chapter 17.85

INDUSTRIAL/COMMERCIAL DISTRICT (I-C)

Sections:

17.85.010 Intent.
17.85.020 Permitted uses.
17.85.030 Conditional uses.
17.85.040 Uses expressly prohibited.
17.85.050 Property development requirements.

17.85.010 Intent.

The I-C district is included in the zoning regulations to achieve the following city objectives:

(1) To provide for the retail and wholesale warehousing and distributing of goods.

(2) To provide for commercial and light industrial uses which are compatible with adjacent residential and commercial uses.

(3) To control heavy industrial or similar uses which present a hazard due to levels of noise, vibration, smoke, dust, or glare. [Ord. 93 § 2.11.1, 1987].

17.85.020 Permitted uses.

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

(2) Residential Use Types.

(a) Dwelling for caretaker, watchman, or housing directly required by the use.

(b) Homeless shelter.

(3) Commercial Use Types.

(a) Scrap operations – Heavy (completely enclosed within a building or within a solid masonry or concrete fence or permanently maintained solid fence each not less than six feet in height).

(b) Wholesale, storage, and distribution – Heavy.

(4) Agricultural Use Types.

(a) Animal waste processing.

(5) Industrial Use Types.

(a) Industrial and port facilities.

(b) Log storage/sorting yard.

(c) Manufacturing. [Ord. 309, 2001; Ord. 293, 2000; Ord. 93 § 2.11.2, 1987].

17.85.030 Conditional uses.

The following uses shall be permitted in the I-C district if they conform with the provisions of Chapter 17.355 CBMC:

(1) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(2) Commercial Use Types.

(a) Retail sales, general, and adult book store.

(b) Spectator sports and entertainment – Indoor, adult movies and adult movie arcades.

(3) Agricultural Use Types. Requires site plan and architectural review and written assurance that the proposed use complies with all applicable state and federal regulations.

(a) Food packing and processing.

(4) Industrial Use Types. Requires site plan and architectural review and written assurance that the proposed use complies with all applicable state and federal regulations.

(a) Mining and processing. [Ord. 93 § 2.11.3, 1987].

17.85.040 Uses expressly prohibited.

The following uses are specifically prohibited in the I-C district:

(1) Residential Use Types. Except as specifically mentioned.

(2) Civic Use Types.

(a) Refuse service.

(3) Agricultural Use Types.

(a) Animal husbandry. [Ord. 93 § 2.11.4, 1987].

17.85.050 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the I-C zoning district except as specifically regulated in this section.

(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 400 feet of any residentially zoned property as measured from its external property boundaries.

(2) Lot Standards. No requirements.

(3) Building Coverage. No requirements.

(4) Building Height. No restrictions other than those imposed by the building code.

(5) Fences and Walls. No requirements, except as may be necessary for protection of the health, safety, and general welfare of the public.

(6) Yards. No requirements.

(7) Landscaping and Screening.

(a) All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas must be enclosed and screened from public view.

(8) Noise. The noise level shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.

(9) Byproducts. There shall be no emissions, odor, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution which exceeds permitted levels of local, state, or federal regulations. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about possible pollution, the owner or agent may be required to show written compliance with state regulations. [Ord. 309, 2001; Ord. 148 § 16, 1989; Ord. 93 § 2.11.5, 1987].

Chapter 17.90

WATERFRONT INDUSTRIAL DISTRICT (W-I)

Sections:

17.90.010 Intent.
17.90.020 Uses.
17.90.030 Property development requirements.

17.90.010 Intent.

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

(1) To reserve the waterfront for uses which require water access for successful operation.

(2) To support the economic well-being and stability of the city's maritime economy.

(3) To preserve lands determined to be exceptionally suited for water-dependent and water-related uses. [Ord. 93 § 2.12.1, 1987].

17.90.020 Uses.

The uses which are permitted, conditional, or prohibited shall be regulated by the Coos Bay estuary management plan. [Ord. 93 § 2.12.2, 1987].

17.90.030 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the W-I zoning district except as specifically regulated in this section.

(1) Special Permits.

(a) It shall be the responsibility of the applicant to acquire other permits required by local, state and federal agencies prior to the issuance of a building permit by the city.

(b) Site plan and architectural review and approval shall be required for the establishment, intensification, or major remodeling of any use in the W-I district if the use is within 400 feet of any residentially zoned property as measured from its external property boundaries.

(2) Lot Standards.

(a) Minimum Area. No requirements.

(b) Minimum Width. No requirements.

(3) Building Coverage. No requirements.

(4) Building Height. No requirements.

(5) Fences and Walls. No requirements, except to protect the health, safety, and general welfare of the public.

(6) Landscaping and Screening.

(a) All heating and air handling equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas must be enclosed and screened from public view.

(7) Utilities. When practical, utilities such as power lines, telephone lines, and television cable shall be installed in underground conduits and approved by the public works department.

(8) Byproducts. There shall be no emissions, odor, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution which exceeds permitted levels of local, state, or federal regulations. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the possible pollution, the owner or agent may be required to show written compliance with state regulations.

(9) Noise. The noise level shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations. [Ord. 93 § 2.12.3, 1987].

Chapter 17.95

PARK/CEMETERY DISTRICT (QP-1)

Sections:

17.95.010 Intent.
17.95.020 Permitted uses.
17.95.030 Conditional uses.
17.95.040 Uses expressly prohibited.
17.95.050 Property development requirements.

17.95.010 Intent.

The QP-1 district is included in the zoning regulations to achieve the following city objectives:

(1) Set aside lands to be used as open space and/or for recreational facilities that will serve all residents of the city.

(2) Ensure the aesthetic development of all facilities and amenities including structures, access, parking, trails and paths, and landscaping.

(3) Promote the placement of parks in locations convenient for use and promote the multi-purpose use of these areas. [Ord. 93 § 2.13.1, 1987].

17.95.020 Permitted uses.

The following uses are permitted in the QP-1 zoning district:

(1) Civic Use Types.

(a) Community recreation.

(b) Parking service.

(2) Commercial Use Types.

(a) Funeral and interment services – Cemetery.

(3) Other related uses. [Ord. 93 § 2.13.2, 1987].

17.95.030 Conditional uses.

The following uses shall be permitted in the QP-1 district if they conform with the provisions of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Single-family dwelling, only in conjunction with a permitted use.

(2) Civic Use Types.

(a) Administrative service.

(b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(3) Commercial Use Types.

(a) Dining establishments, only in conjunction with a permitted use. [Ord. 309, 2001; Ord. 93 § 2.13.3, 1987].

17.95.040 Uses expressly prohibited.

All nonrelated uses. [Ord. 93 § 2.13.4, 1987].

17.95.050 Property development requirements.

The following property development standards shall apply to all land and structures in the QP-1 district:

(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.

(2) Building Height. No building shall have a height greater than three stories, not to exceed 35 feet in height.

(3) Riparian Vegetation.

(a) Riparian vegetation surrounding Empire Lakes is considered significant habitat in the comprehensive plan. This habitat shall be protected by leaving the existing vegetation undisturbed to its full width, if possible, but at least to a width of 50 feet measured horizontally from the shoreline. If there is less than 50 feet of vegetation, all of it shall be protected. The shoreline shall be the line of non-aquatic vegetation.

(b) Water access, trails/paths, picnicking areas, or other recreation uses may be permitted if the activities are part of a master plan for the park, and if they constitute no more than a 20 percent cumulative reduction in the total vegetation surrounding the lake within the zoning designation.

(c) The riparian vegetation along the shoreline in the Eastside area will be protected based on Policy 23 of the Coos Bay estuary management plan.

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 269, 1999; Ord. 93 § 2.13.5, 1987].

Chapter 17.100

WATERSHED DISTRICT (QP-2)

Sections:

17.100.010 Intent.
17.100.020 Permitted uses.
17.100.030 Conditional uses.
17.100.040 Uses expressly prohibited.
17.100.050 Property development requirements.

17.100.010 Intent.

The QP-2 district is included in the zoning regulations to preserve and protect lands providing the city's water supply. [Ord. 93 § 2.14.1, 1987].

17.100.020 Permitted uses.

Only uses related to the operation and maintenance of the water system.

Civic uses authorized by the Coos Bay/North Bend water board may also be allowed on property within the watershed (QP-2) zone provided the use takes place on property that does not directly drain into Upper or Lower Pony Creek Reservoir. However, the use will be subject to a site plan and architectural review (see Chapter 17.345 CBMC). [Ord. 202, 1993; Ord. 93 § 2.14.2, 1987].

17.100.030 Conditional uses.

None. [Ord. 93 § 2.14.3, 1987].

17.100.040 Uses expressly prohibited.

All other uses. [Ord. 93 § 2.14.4, 1987].

17.100.050 Property development requirements.

The following property development standards shall apply to all land and structures in the QP-2 district:

(1) Site Plan and Architectural Review. This review shall be required prior to the establishment or change of any structure which is accessible to the public in the QP-2 zoning district.

(2) Building Height. No building shall have a height greater than three stories, not to exceed 35 feet.

(3) Riparian Vegetation.

(a) Riparian vegetation surrounding Upper and Lower Pony Creek Reservoir is considered significant habitat in the comprehensive plan. This

habitat shall be protected by leaving the existing vegetation undisturbed to its full width, if possible, but at least to a width of 50 feet measured horizontally from the shoreline. If there is less than 50 feet of vegetation, all of it shall be protected. The shoreline shall be the line of nonaquatic vegetation.

(b) Water access, road, and timber management activities may be permitted if they are part of a master plan for the watershed and forest management program, and if they comply with Oregon Forest Practice Rules. [Ord. 93 § 2.14.5, 1987].

Chapter 17.105

PUBLIC EDUCATIONAL FACILITIES DISTRICT (QP-3)

Sections:

17.105.010 Intent.
17.105.020 Permitted uses.
17.105.030 Conditional uses.
17.105.040 Uses expressly prohibited.
17.105.050 Property development requirements.

17.105.010 Intent.

The QP-3 district is included in the zoning regulations to achieve the following city objectives:

(1) Set aside developed and undeveloped lands used or suitable for public educational facilities.

(2) Ensure that development of this property is compatible with uses in surrounding districts. [Ord. 93 § 2.15.1, 1987].

17.105.020 Permitted uses.

The following uses are permitted in the QP-3 zoning district:

(1) Civic Use Types.

(a) Educational service and related offices.

(2) Other related uses. [Ord. 93 § 2.15.2, 1987].

17.105.030 Conditional uses.

The following uses shall be permitted in the QP-3 district if they conform with the provisions of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Single-family dwelling, only in conjunction with a permitted use.

(2) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC). [Ord. 309, 2001; Ord. 93 § 2.15.3, 1987].

17.105.040 Uses expressly prohibited.

All nonrelated uses. [Ord. 93 § 2.15.4, 1987].

17.105.050 Property development requirements.

The following property development standards shall apply to all land and structures in the QP-3 district:

(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.

(2) Property Development Standards. Property development standards of the dominant surrounding zoning district shall apply, when appropriate.

(3) Riparian Vegetation.

(a) Riparian vegetation surrounding Empire Lakes is considered significant habitat in the comprehensive plan. This habitat shall be protected by leaving the existing vegetation undisturbed to its full width, if possible, but at least to a width of 50 feet measured horizontally form the shoreline. If there is less than 50 feet of vegetation, all of it shall be protected. The shoreline shall be the line of non-aquatic vegetation.

(b) Water access, trails/paths, picnicking areas, or other recreational and educational uses may be permitted if the activities are part of a master plan for the college campus, and if they constitute no more than 20 percent cumulative reduction in the total vegetation surrounding the lake within the zoning designation. [Ord. 309, 2001; Ord. 93 § 2.15.5, 1987].

Chapter 17.110

TRANSPORTATION FACILITIES DISTRICT (QP-4)

Sections:

17.110.010 Intent.
17.110.020 Permitted uses.
17.110.030 Property development requirements.

17.110.010 Intent.

The QP-4 district is included in the zoning regulations to achieve the following city objectives:

(1) Set aside land for future air transportation needs.

(2) Provide for uses during the interim which will not preempt the long-range plans for the area. [Ord. 93 § 2.16.1, 1987].

17.110.020 Permitted uses.

The uses which are permitted, conditional, or prohibited shall be regulated by the Coos Bay estuary management plan. [Ord. 93 § 2.16.2, 1987].

17.110.030 Property development requirements.

No other special property development requirements shall apply to land and structures in this district other than the applicable standards of this chapter. [Ord. 93 § 2.16.3, 1987].

Chapter 17.115

BUFFER DISTRICT (QP-5)

Sections:

17.115.010 Intent.
17.115.020 Permitted uses.
17.115.030 Conditional uses.
17.115.040 Uses expressly prohibited.
17.115.050 Limitations on use.
17.115.060 Property development requirements.

17.115.010 Intent.

The QP-5 district is included in the zoning regulations to achieve the following objectives:

(1) To serve as a buffer between industrial uses and residential zones east of Isthmus Slough.

(2) To protect estuarine habitat areas from conflicting uses around the W-shaped marsh.

(3) To reserve the spoils islands east of the deep-draft channel for spoils disposal and low-intensity recreational use and habitat protection. [Ord. 93 § 2.17.1, 1987].

17.115.020 Permitted uses.

For the QP-5 district bordering the W-shaped marsh and for the spoils islands east of the deep-draft channel, uses which are permitted shall be regulated by the Coos Bay estuary management plan. For remaining QP-5 districts, the following uses are permitted:

(1) Residential Use Types. Only on extension of adjacent R-1 or R-2 districts.

(2) Civic Use Types.

(a) Community recreation – Nonvehicular outdoor recreation only, except for bike paths.

(b) Open space.

(c) Utility and service – Easements only. [Ord. 93 § 2.17.2, 1987].

17.115.030 Conditional uses.

For the QP-5 district bordering the W-shaped marsh and for the spoils islands east of the deep-draft channel, uses which are conditional shall be regulated by the Coos Bay estuary management plan. For remaining QP-5 districts, the following uses are permitted if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Civic Use Types.

(a) Public facilities.

(b) Auxiliary recreation structures. [Ord. 93 § 2.17.3, 1987].

17.115.040 Uses expressly prohibited.

All uses not related to the permitted or conditional uses for each district are prohibited. [Ord. 93 § 2.17.4, 1987].

17.115.050 Limitations on use.

The only street crossing allowed in the QP-5 district will be the extension of 6th Avenue. [Ord. 93 § 2.17.5, 1987].

17.115.060 Property development requirements.

(1) Lot Standards. No requirements.

(2) Building Coverage. No requirements.

(3) Building Height. No building shall have a height greater than two stories, not to exceed 28 feet in height.

(4) Yards. No requirements. [Ord. 93 § 2.17.6, 1987].

Chapter 17.120

SINGLE-FAMILY, DUPLEX RESIDENTIAL AND CERTIFIED FACTORY-BUILT HOME DISTRICT (R-6)

Sections:

17.120.010 Intent.
17.120.020 Permitted uses.
17.120.030 Conditional uses.
17.120.040 Uses expressly prohibited.
17.120.050 Property development requirements.

17.120.010 Intent.

The R-6 zone is included in the zoning regulations to achieve the following city objectives:

(1) To reserve appropriately located areas for single-family, duplex and manufactured home family living at population densities consistent with the comprehensive plan and sound standards of public health and safety.

(2) To provide space for semi-public facilities needed to serve urban residential areas and for institutions that require a residential environment.

(3) To facilitate the provision of utility services and other public facilities commensurate with the anticipated population densities and service requirements. [Ord. 93 § 2.18.1, 1987].

17.120.020 Permitted uses.

The following uses are permitted in an R-6 zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Duplex dwelling and single-family dwelling.

(d) Zero lot line development (see Chapter 17.150 CBMC).

(e) Certified Factory-Built Home. Manufactured home which conforms to the development requirements in CBMC 17.120.050.

(2) Commercial Use Types. Home occupation (see Chapter 17.260 CBMC). [Ord. 93 § 2.18.2, 1987].

17.120.030 Conditional uses.

The following uses are permitted in the R-6 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Accessory apartment (see Chapter 17.250 CBMC).

(b) Group residential care facility.

(c) Planned unit development (see Chapter 17.270 CBMC).

(2) Civic Use Types. Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 17.150 CBMC.

(a) Administrative service.

(b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(c) Community recreation.

(d) Educational service.

(e) Library service and cultural exhibit.

(f) Lodge, club, fraternal, or civic assembly.

(g) Public safety service.

(h) Religious assembly.

(i) Utility and service – No outside storage of equipment.

(3) Commercial Use Types.

(a) Child care facility.

(b) Convenience sales and personal service.

(c) Home occupation, retail sales on premises (see Chapter 17.260 CBMC).

(d) Tourist habitation – Bed and breakfast. [Ord. 309, 2001; Ord. 93 § 2.18.3, 1987].

17.120.040 Uses expressly prohibited.

The following uses are expressly prohibited in the R-6 zoning district:

(1) Residential Use Types.

(a) Certified factory-built homes which are defined as a residential trailer or a mobile home in Chapter 17.10 CBMC (see "Certified factory-built home") unless otherwise allowed under a temporary use permit.

(b) Group residential and multiple-family dwelling.

(c) Recreational vehicles, except that unoccupied recreational vehicles may be stored provided they are not located within a vision clearance area.

(2) Civic Use Types. Not specifically mentioned.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 93 § 2.18.4, 1987].

17.120.050 Property development requirements.

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-6 zone except as specifically regulated in this section.

(1) Lot Standards.

(a) Minimum area: 5,000 square feet for each single-family dwelling unit, and 7,000 square feet for each duplex.

(b) Minimum width: 40 feet.

(2) Building Coverage. Maximum lot coverage shall not exceed 40 percent of the total lot area.

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet.

(4) Certified Factory-Built Homes. All certified factory-built homes which meet the definition of manufactured home pursuant to Chapter 17.10 CBMC may be located within the R-6 zone provided they conform to the following standards:

(a) Exterior Design.

(i) The unit must be multi-sectional and enclose a space of not less than 960 square feet.

(ii) The manufactured home shall have a sloping roof with a minimum 3:12 pitch.

(iii) Have conventional siding which does not consist of untextured metallic sheeting.

(b) Removal of Towing Equipment. All towing hitches, wheels, running lights and other towing-related equipment shall be removed within 30 days after the installation of the unit.

(c) Foundations.

(i) All foundations shall be constructed to conform to the structural specifications of OAR Chapter 814. In addition to said structural specifications, the perimeter of each unit shall have a wall of concrete or concrete masonry construction extending from the ground upwards to the underside perimeter of the mobile home. Said wall shall be trimmed at the meeting of the wall with the unit to approximate the appearance of a concrete foundation meeting the requirement of the State of Oregon Structural Specialty Code. The perimeter wall must be completed within 30 days from the date of installation.

(ii) The unit shall be set into an excavated area such that no more than 12 inches of the perimeter wall is exposed above grade; or, on a slope, no more than 12 inches may be exposed on the uphill side. Such an excavated area shall be adequately drained as provided by the State of Oregon Structural Specialty Code.

The 12-inch requirement does not apply to units within the 100-year floodplain.

(iii) Each unit will conform with Oregon Manufactured Home Installation Standards as required by the building official.

(5) Yards. There are no yard requirements for the use, bus shelter, except as imposed by building codes. [Ord. 309, 2001; Ord. 164, 1990; Ord. 93 § 2.18.5, 1987].

Chapter 17.125

WATERFRONT HERITAGE DISTRICT (WH)

Sections:

17.125.010 Intent.
17.125.020 WH zoning subdistricts.
17.125.030 Permitted uses.
17.125.040 Conditional uses.
17.125.050 Uses expressly prohibited.
17.125.060 Preexisting uses.
17.125.070 Property development requirements.
17.125.080 Architectural design.
17.125.090 Table.

17.125.010 Intent.

The WH district is created to achieve the following objectives:

(1) To diversify the local economy.

(2) To preserve the city's historical waterfront and guide private and public development in a direction that strengthens a relationship to that setting.

(3) To guide the construction of private and public improvements to evoke historic architectural styles which existed in the Coos Bay area between the 1870s and the 1920s.

(4) To provide for a mix of uses and improvements that include:

(a) Existing waterfront industrial uses;

(b) New water-oriented, water-related and non-water-related service businesses;

(c) Amenities and attractions which encourage public access to and enjoyment of the waterfront;

(d) Urban residential opportunities; and

(e) Nonwater-dependent industrial uses.

(5) To provide an opportunity to reclaim the city's waterfront heritage and express pride in our past and present by redevelopment which evokes, but does not necessarily duplicate, the appearance of the early days of Euro-American settlement.

(6) To promote physical, cultural and commercial links among Front Street, the Boardwalk and the Downtown core area. [Ord. 307, 2001; Ord. 93 § 2.19.1, 1987].

17.125.020 WH zoning subdistricts.

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

(1) WH-1, Core Area. The area bounded by Alder Avenue to the south, U.S. 101 (North Bayshore) to the west, Date Avenue to the north and the Coos Bay waterway to the east.

(2) WH-2, Transition Area. The area bounded by Commercial Avenue to the south, U.S. 101 (North Bayshore) to the west, Fir Avenue to the north, and the Coos Bay waterway to the east, except that area defined as WH-1.

(3) WH-3, Central Dock Area. The area bounded by Fir Avenue on the south, U.S. 101 to the west, Ivy Avenue to the north and the Coos Bay waterway to the east. [Ord. 307, 2001; Ord. 93 § 2.19.2, 1987].

17.125.030 Permitted uses.

The following are permitted uses in the WH district:

(1) For those areas lying east of Front Street, including the WH-3 subdistrict, all commercial, industrial, and civic uses which are water-dependent or water-related are permitted as allowed by the Coos Bay estuary management plan.

(2) Uses which are not water-dependent or water-related are permitted as set forth in Table 17.125.090. [Ord. 307, 2001; Ord. 93 § 2.19.3, 1987].

17.125.040 Conditional uses.

The following uses are permitted in the WH district if authorized in accordance with the provisions of Chapter 17.355 CBMC:

(1) Civic Use Types.

(a) Bus shelter (administrative conditional use, See Chapter 17.355 CBMC).

(2) Commercial Use Types.

(a) Business equipment sales and service.

(b) Repair service, consumer.

(c) Tourist Habitation – Waterfront inn, WH-2 and WH-3 subdistricts only.

(3) Industrial Use Types. Manufacturing, WH-3 subdistrict only.

(4) Agricultural Use Types.

(a) Horticulture. [Ord. 309, 2001; Ord. 307, 2001; Ord. 93 § 2.19.4, 1987].

17.125.050 Uses expressly prohibited.

The following uses are expressly prohibited in the WH district:

(1) Civic Use Types.

(a) Educational service.

(2) Commercial Use Types.

(a) Automobile and Equipment.

(i) Cleaning.

(ii) Fleet storage.

(iii) Repairs, light and heavy equipment.

(iv) Sales/rental, light and heavy equipment, except boats.

(v) Storage, nonoperating vehicles.

(b) Agricultural sales/services.

(c) Building/property maintenance service.

(d) Fuel sales, other than marine.

(e) Transportation services, except rail and marine. [Ord. 307, 2001; Ord. 93 § 2.19.5, 1987].

17.125.060 Preexisting uses.

Notwithstanding Chapter 17.25 CBMC, uses legally established on May 1, 2001, the date the WH district was established, which would not otherwise be permitted in the WH district, are deemed to be preexisting uses and are allowed to continue on the same lot(s) or parcel(s), subject to the provisions of this section.

(1) Changes and/or Expansion.

(a) Any preexisting use which is changed to a permitted use shall not afterwards be changed back to the preexisting use.

(b) A preexisting use may be expanded and/or altered on the same lot. Expansion and/or alteration of improvements housing a preexisting use may occur on the same lot(s) or parcel(s), provided improvements connected with such expansion and/or alteration conform to the property development requirements of CBMC 17.125.070 which includes design review standards. However, additional or different uses, not permitted by the WH district, are not allowed.

(2) Discontinuation. If a preexisting nonwater-dependent or water-related use is discontinued for a period of 12 consecutive months, the use shall not be re-established. Further uses on the premises shall be in conformity with the provisions of this chapter.

(3) Restoration. An improvement housing a preexisting use which is damaged by fire, natural disaster, or other casualty may be restored to its previous condition and the preexisting use resumed, provided such restoration is commenced within a period of 180 days after the event constituting the casualty. This limitation may be waived or extended by the community services director by filing a request not more than 160 days after the event constituting the casualty upon a showing of good cause by the owner. A decision by the community services director may be appealed to the planning commission pursuant to Chapter 17.305 CBMC.

(4) Maintenance. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration of any improvement housing a preexisting use to safe condition as required by law. [Ord. 307, 2001; Ord. 93 § 2.19.6, 1987].

17.125.070 Property development requirements.

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

(1) For property adjacent to the waterfront, primary ground level uses that are not water-dependent or water-related and are permitted or conditionally permitted in the WH zone shall be allowed, provided the following standards are met:

(a) Commercial or civic uses are water-oriented and provide goods and services to the general public.

(b) Except for non-water-dependent industrial uses in the WH-3 subdistrict:

(i) A structure on the land abutting the waterfront provides a view of the water from the interior of the building.

(ii) At least one pedestrian access point to the waterfront is encouraged for each structure.

(c) Row houses are exempt from the standards in this subsection in the WH-2 and WH-3 zoning subdistricts.

(2) Architectural Design Review. Architectural design review as set forth in Chapter 17.390 CBMC shall be required for all development. For the purposes of this chapter, "development" is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window

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

(a) Existing water-dependent/water-related uses established on May 1, 2001, the date this provision is adopted, are exempt from the architectural design review. Architectural design proposals must comply with CBMC 17.125.080.

(b) The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any building or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.

(c) Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design, or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.

(d) The color of paint or stain to be applied to the exterior of the building is a ministerial decision to be made by the community services director or his/her designee. The proposed colors must be from, or similar to, the community services historical color palette, located in the community services department.

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

(3) Lot Standards.

(a) Minimum Lot Width. Each lot shall have a minimum width of 25 feet.

(b) Minimum Lot Area. Each lot shall have a minimum lot area of 2,000 square feet.

(4) Building Coverage. No minimum requirement.

(5) Building Height.

(a) WH-1 and WH-2 Zoning Subdistricts. All buildings or structures shall be no more than three stories, or 35 feet in height, whichever is lower.

(b) WH-3 Zoning Subdistrict. No building or structure shall be greater than four stories, or 60 feet in height, whichever is lower.

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

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

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

(a) Small setbacks, indentations, stepped fence heights, or other means of breaking up the fence or wall surface and heights;

(b) Different textures, colors, or materials (including landscape materials) to break up the wall surface; or

(c) Special lighting, canopies, awnings, horizontal trellises and other pedestrian-oriented features that break up the size of the blank wall surface.

(8) Parking.

(a) WH-1 and WH-2 Zoning Subdistricts. Off-street parking is not required except in WH-2 for the conditionally permitted use, tourist habitation – waterfront inn. All off-street parking, if provided, shall be on the interiors of lots or behind buildings, to the maximum extent practicable and in accordance with Chapter 17.200 CBMC. Off-street parking should be as unobtrusive as possible and screened in such a manner so that it is not visible from adjacent streets or public pedestrian walkways.

(b) WH-3 Zoning Subdistrict. Off-street parking shall be provided in accordance with Chapter 17.200 CBMC.

(9) Screening. Mechanical equipment, outdoor storage areas, utility vaults, trash receptacles and satellite dishes or other mobile communications equipment shall be screened in a manner so that they are not visible from adjacent streets, public pedestrian walkways, or the water.

Satellite dishes and mobile communications cell sites should be ground- or wall-mounted unless technically infeasible. The dish/antenna should be screened and located in such a manner so as to reduce visibility from adjacent roadways and pedestrian ways.

(10) Utility Lines. Utility lines, including, but not limited to, those used for electricity, communi-

cations, street lighting and cable television, shall be placed underground for new construction or major remodeling. The design review board may waive the requirements if topographical, soil or other conditions make such underground installation or screening of above-ground equipment impracticable.

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

(12) Drive-through windows are prohibited.

(13) All development shall provide adequately sized trash receptacles, screened from public view.

(14) Decks and Docks.

(a) WH-1 Zoning Subdistrict. Owners of improvements along the Coos Bay waterfront between Alder Street and Date Street shall be encouraged to participate with the city and adjacent property owners in the development of a dock street to provide public access to the waterfront and water-oriented uses for pedestrians, emergency and service vehicles, and other community-oriented uses. Design specifications shall be in accordance with CBMC 17.125.080.

(b) WH-2 and WH-3 Zoning Subdistricts. Public access to the waterfront shall be encouraged.

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

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

(a) Prior to allowing any use, or the expansion of a use, in the area comprised of subdistrict WH-3 and the portion of subdistricts WH-1 and WH-2 lying east of Front Street, it is necessary to ensure that the cumulative ADT generated in this area only, by existing uses and the proposed use, does not exceed a total 8,000 ADT.

(b)(i) The applicant must complete a trip analysis demonstrating the change in the current ADT due to the proposal and compute the cumulative ADT using one of the following methods:

(A) Retain a professional engineer with expertise in traffic or transportation engineering;

(B) Trip generation figures for similar uses based on the latest edition of the publication, "Trip Generation," by the Institute of Transportation Engineers (ITE Manual); or

(C) Compute the average daily trips using a minimum of three sites with the same type and size of activity as proposed.

(ii) The community services director may require a particular computation method upon determining that the development may have a substantial impact on the average daily trips to ensure the most reliable projections of impacts will be obtained.

(c) A copy of the analysis and cumulative figures shall be sent to the Oregon Department of Transportation, Region 3, which will have 10 days to respond to the city in writing before approval may be granted.

(d) The 8,000-ADT limitation for the area shall be removed or modified only in accordance with OAR 660-012-0060.

(17) For nonwater-dependent manufacturing in the WH-3 subdistrict, development must be oriented on the site to minimize adverse impacts and to protect the privacy of adjacent uses to the maximum extent possible.

(a) Manufacturing operations must be conducted in completely enclosed buildings;

(b) The city may require landscaping, walls or other buffering to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties;

(c) Mechanical equipment, lights, emissions, shipping/receiving area, and other components of an industrial use that are outside enclosed buildings shall be located away from other nonindustrial uses to the maximum extent possible; elements listed in subsection (17)(b) of this section may also be subject to this requirement;

(d) Uses which are likely to create significant adverse impacts beyond the industrial site property boundaries with respect to noise, light/glare, dust, or vibrations shall minimize the impacts to the maximum extent possible. The following criteria shall be used to determine whether or not the adverse impacts of a use are likely to be "significant":

(i) Noise. Noise levels exceed the level typical of the area.

(ii) Light/Glare. Light/glare levels exceed the level typical of the area, exclusive of highway lighting.

(iii) Dust and/or Exhaust. Dust and/or exhaust emissions from the development exceeds dust, smoke, noxious odor or exhaust levels typical of the surrounding area, or levels that existed prior to the development.

(iv) Vibration. Vibration (e.g., from mechanical equipment) exceeds typical levels (i.e., from adjacent roadways and existing land uses in the surrounding area). [Ord. 307, 2001; Ord. 93 § 2.19.7, 1987].

17.125.080 Architectural design.

(1) Intent. The intent of the architectural design review goals and standards is to ensure that proposals for construction of new structures and for major remodeling of existing structures evoke the appearance of the prevailing architectural styles of the buildings in the WH district as they might have existed if constructed between the 1870s to the 1920s. For the purposes of this section, these styles are referred to as the "designated historic styles." "Historical Buildings of Empire and Front Street," a notebook of photographs from the historical time period, is available for review at the department of community services, planning division.

(2) Architectural Design Review Goals and Standards. In order to be approved, a design proposal must comply with both the architectural design review goals and standards.

(a) Architectural design review goals are the conceptual framework establishing the underlying objectives to be achieved by new development and modifications to existing development in the district. Architectural design review standards are the approval criteria developed to implement these architectural design review goals and used to review new development and modifications to existing development. Adherence to the architectural design review standards ensures the conservation and enhancement of the special characteristics of each district.

(b) Architectural design review standards are mandatory approval criteria used in the design review process. A design review application will be approved if the review body finds the applicant has shown the proposal complies with the architectural design review standards; provided, however, one or more of the guidelines may be waived as part of the design review process if the applicant can demonstrate that the proposal satisfies the architectural design review goals for the district.

(c) The factors which will be used in the evaluation process include architectural style of the proposal; compatibility with scenic values and architectural resources in the district; design quality; structural placement; dimensions; height; bulk; lot coverage by structures; exterior appearance of the building; open areas; and landscaping.

(3) Architectural Design Review Goals.

(a) Building Design – Massing. "Massing" is defined as a composition of two-dimensional shapes or three-dimensional volumes which gives the impression of weight, density and bulk. If the following architectural design review goals are met in the architectural design of development, acceptable massing may be accomplished:

(i) Design should result in buildings with a perceived size that maintains a human scale that is comfortable and attractive for pedestrians.

(ii) Design should result in a quality street environment that is attractive to pedestrians and development.

(iii) Buildings of special historic significance and merit should be preserved. Maintain or restore as many of the proportions, dimensions and architectural details of historical significance which were original or added to the building during the designated historic period.

(iv) New or remodeled structures abutting or directly across from buildings that have been identified as historic should be designed so as to preserve, and not detract from, the historic context and merit of the building.

(v) Buildings should have consistent visual identity from all sides visible to the general public.

(b) Building Design – Articulation. "Articulation" is defined as the emphasis given to architectural elements (such as, windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. If the following architectural design review goals are met in the architectural design of development, acceptable articulation may be accomplished:

(i) The pattern and proportion of doors and windows should be similar to existing historic

buildings in the WH district, and/or evoke the designated historic styles.

(ii) Finish materials, details and colors should evoke the designated historic styles.

(c) Signage. Design for signs should emulate signage that existed during the designated historic period.

(4) Architectural Design Review Standards. The purpose of these architectural design review standards, along with the notebook, "Historical Buildings of Empire and Front Street," is to serve as a resource for designing development that will satisfy the architectural design review goals for the WH district. Design proposals may be approved if the following architectural design review standards are met in the architectural design of development:

(a) Building Design – Massing.

(i) Use articulation on either new or existing building facades to reduce the bulk of buildings. Methods include, but are not limited to, the following:

(A) Modulation;

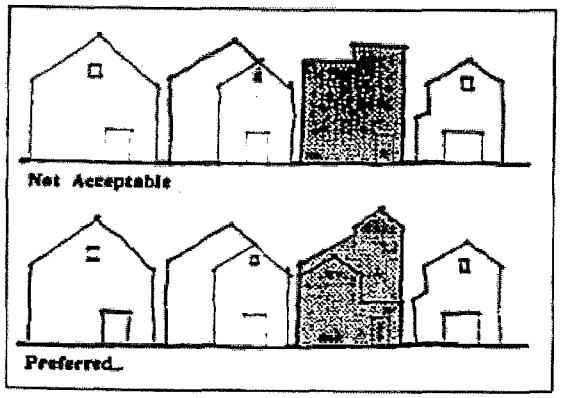
(B) Broken rooflines; or

(C) Building elements such as balconies, chimneys, porches or other entry details, and landscaping.

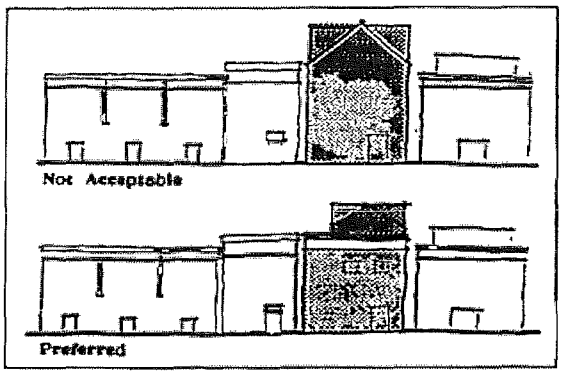
(ii) Use architectural features such as cornices or other details that lower the apparent height of the building.

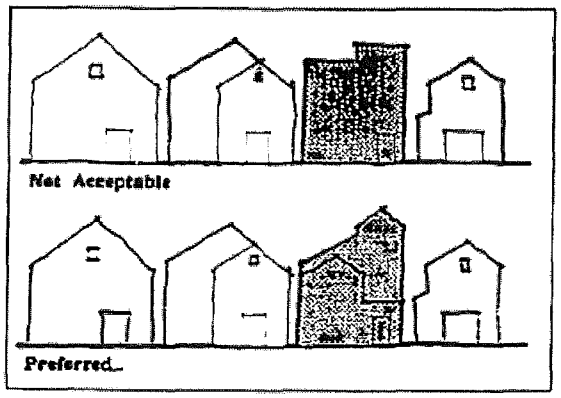
(iii) Place display windows at the street level around the exterior of larger commercial buildings.

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



Rooflines can reinforce the architectural character of a street.





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

(iv) The front elevation of large structures should be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the front elevation should be divided into distinct areas by:

(A) Creating a bay window or other building extension of at least one foot or more from the main structure;

(B) Creating a roof pediment that is the full width of the structure; or

(C) Setting part of the facade back one or more feet from the rest of the facade.

(v) For existing buildings of historic significance (in the WH district, these buildings are the Marshfield Sun at 1049 North Front Street, the Coos Bay Iron Works at 896 North Front Street and the Cahill Building, formerly Ferguson Transfer, 318 North Front Street):

(A) Restore or retain as many historic features as possible;

(B) Maintain or restore original proportions, dimensions and architectural elements;

(C) Select paint and material colors which are historically accurate, coordinate the entire facade, and do not conflict with adjacent buildings; and

(D) Consult available historical resources such as the Coos Historical Society, private historians or photographic archives.

(vi) At locations abutting or adjacent to buildings of historical significance:

(A) Use a roofline that emulates the historic building;

(B) Use doors, windows, materials and details similar to the historic building; and

(C) Break up the building facade using articulation which reflects the scale and proportions of the historic building.

(vii) Continue exterior materials, architectural detailing, and color scheme around all sides of the building. Buildings must present an equivalent level of quality of materials, detailing and fenestration on all sides visible to the general public.

(viii) Reserve bright colors for trim or accents unless it is common to the architectural style.

(ix) Use of reflective exterior materials where glare would shine into nearby buildings is prohibited.

(b) Building Design – Articulation – Finish Materials.

(i) Buildings should use wood or simulated wood products as their exterior finish material on elevations exposed to view from locations accessible by the public. Horizontal wood or simulated wood siding and wood shingles should be applied with exposure of each course not exceeding eight inches in width. Vertical siding should be rough-sawn "board on board" typical to the designated historical styles.

(ii) Plain plywood or grooved plywood panels should not be used as exterior finish materials on elevations exposed to view from locations accessible by the public.

(iii) Concrete or concrete block should not be exposed to view as exterior finish materials except for foundation walls not extending more than one foot above the finished grade level adjacent to the wall.

(iv) Wavy corrugated metal siding (rather than bold rib, box rib or v-beam) may be used as the finish material on exterior walls only if combined with other materials and details in such a way as to create a design that reflects the designated historic styles.

(v) The design, detailing and trimming of the rooflines, porches, windows, doors and other architectural features should be in a manner that is in keeping with the designated historic styles.

(vi) Glass should be clear or ornamental stained glass. Translucent glazing should be used only for restrooms.

(vii) Roofing materials exposed to view should be wood shingles, composition roofing, or corrugated metal roofing in a subdued color that is in keeping with the historic styles noted. Decorative features such as cupolas, cresting, chimneys, barge (rake), and soffit/fascia trim are encouraged if keeping with the architectural style.

(viii) Light fixtures should be integrated with architectural elements. Decorative light fixtures that are in keeping with the historic styles are encouraged.

(ix) Exterior light fixtures must not compete with city-furnished sidewalk period lights. Building lights should be metal halide or incandescent and are to be directed away from pedestrians and street traffic so as to avoid glare.

(5) Signage. Signs will be reviewed by the historical design review committee based on the standards set forth below. A sign permit is also required which will be reviewed by staff pursuant to the provisions in Chapter 17.230 CBMC. If the provisions conflict, the stricter shall apply.

(a) Design for signs should emulate signage that existed during the designated historic period, and be consistent with the character of the storefront, the building on which they are situated and the area as a whole. Review for consistency includes, but is not limited to, evaluation of size, shape, position, materials and illumination in relationship to the facade and abutting and adjacent structures.

(b) Signs on a business front are limited to a building sign on each building face (identifying the building name), a sign for each business entry (vehicular or pedestrian), and interior painting of street-front windows.

(c) Signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking

lot. Signs shall not be closer than two feet to any curbline. A projecting sign shall not project more than eight feet beyond the property line.

(d) All signs shall:

(i) Be of an appropriate size and design;

(ii) Be sited sympathetically on the building;

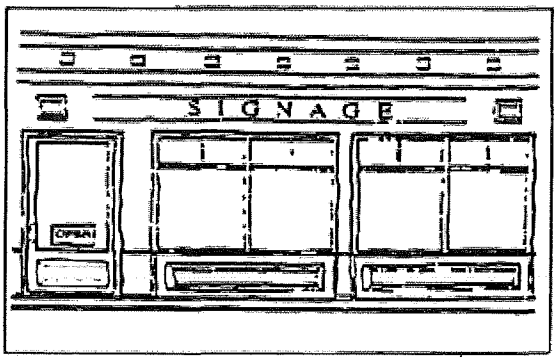
(iii) Not obscure or remove detailing on the building;

(iv) Be designed as part of the building and not treated as an unrelated addition; and

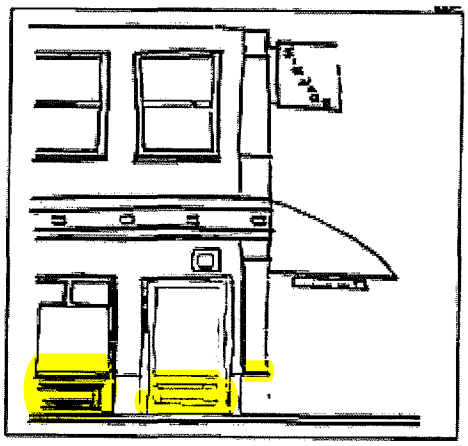
(v) Be related to the style and character of the building and general area.

(e) Allowed Sign Types.

(i) Wall/Fascia Sign. Which is defined as a sign placed on the vertical surface of a wall or fascia where the wall or fascia is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.



(ii) Projecting or Hanging Sign. Which is defined as a sign where the message area is displayed perpendicular to the building fascia.



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

(iv) Marquee Sign. Which is defined either as a fascia sign, projecting sign or awning sign which contains movable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.

(v) Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed up to 45 days without approval of a sign permit.

(vi) Miscellaneous. Sign types not otherwise listed which comply with the requirements of this subsection may be allowed upon approval by the historical design review committee.

(vii) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current is prohibited.

(viii) Sandwich Board. Portable signs that are not permanently affixed to the ground or a structure are prohibited. [Ord. 307, 2001; Ord. 93 § 2.19.8, 1987].

17.125.090 Table.

Table 17.125.090

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
Residential Uses						
Condominium		X		X	X	X
Dwelling		X		X		X
Dwelling, Duplex		X		X		X
Dwelling, Multifamily		X		X		X
Row Houses			X	X	X	X
Civic Uses						
Administrative Service		X	X	X	X	X
Community Recreation	X	X	X	X	X	X
Library Service and Cultural Exhibit	X	X	X	X	X	X
Lodge, Club, Fraternal or Civic Assembly – Small and Large		X		X		X
Public Safety Service	X	X	X	X	X	X
Visitor Information Center	X		X		X	X
Commercial Uses						
Business Support Service		X	X	X	X	X
Child Care Facility (fewer than 13), accessory to permitted use		X	X	X	X	X
Clinic		X		X		X
Convenience Sales and Personal Services	X	X	X	X	X	X
Dining Establishments – Fast Order Food and Sit-Down	X	X	X	X	X	X
Farmer's Market/Fish Market	X	X	X	X	X	X
Financial, Insurance and Real Estate Services	X	X	X	X	X	X
Food and Beverage Retail Sales	X	X	X	X	X	X
Fuel Sales – Marine	X		X		X	
Galleries	X	X	X	X	X	X
Manufacturing, limited, which provides public viewing of on-site production and retail sales of finished products	X	X	X	X	X	X
Market Place Retail Sales	X	X	X	X	X	X

Table 17.125.090 (Continued)

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
Parking Services – Prohibited east of Front St. except in WH-3	X	X	X	X	X	X
Participant Sports and Recreation – Indoor and Outdoor	X	X	X	X	X	X
Personal Services – General	X	X	X	X	X	X
Postal Service	X		X		X	
Professional and Administrative Services	X	X	X	X	X	X
Retail Sales – General (Less than 10,000 sq. ft. building)	X	X	X	X	X	X
Spectator Sports and Entertainment – Indoor and Outdoor	X	X	X	X	X	X
Tourist Habitation – Waterfront Heritage Bed and Breakfast	X	X	X	X	X	X
Transportation Service – Rail and Marine only	X	X	X	X	X	X
Watercraft Sales/Rentals	X		X		X	

[Ord. 309, 2001; Ord. 307, 2001; Ord. 93 § 2.19.4, 1987].

Chapter 17.127

HOLLERING PLACE DISTRICT (HP)

Sections:

17.127.010 Intent.
17.127.020 HP zoning subdistricts.
17.127.030 HP-1, upper bluff area.
17.127.040 HP-2, lower bench area.
17.127.050 Conditional uses in HP-2.
17.127.060 Estuarine uses and activities.
17.127.070 Property development requirements.
17.127.080 Site design, guidelines and standards.
17.127.090 General design guidelines and standards – Architectural form and composition.
17.127.100 Hollering Place master plan.

17.127.010 Intent.

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

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

The master plan referred to herein was prepared not as a detailed requirement, but as an example of the uses, property organization and development, site design, and architectural form and composition that can meet the intent of this code. [Ord. 432 § 3 (Exh. B), 2010].

17.127.020 HP zoning subdistricts.

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

(1) HP-1, Upper Bluff Area. The upper bluff area encompasses the area west of Empire Boulevard, south of Newmark Avenue for a distance of approximately 225 feet, and east of the HP-2 subdistrict at the bottom of the bluff. This area contains approximately 0.84 acre (36,779 square feet).

(2) HP-2, Lower Bench Area. The remainder of the zoning district includes the area at the bottom of the bluff east of Mill Street for a distance of approximately 260 feet south of Newmark and the area west of Mill Street, south of Newmark Avenue, east of the mean high water line and north of Holland Avenue. This area contains approximately 2.11 acres (92,049 square feet). The area west of Mill Street and east of the mean high water line is also designated Coos Bay Estuary Management Plan 54-UW (urban water-dependent). [Ord. 432 § 3 (Exh. B), 2010].

17.127.030 HP-1, upper bluff area.

(1) As described in the Hollering Place master plan, connection to the existing Empire business district is critical. This should be achieved by using small-scaled gateway development near the intersection of Newmark Avenue and Empire Boulevard to serve as an anchor and entry statement signaling the remainder of the project. Preserving and enhancing views is a key component along with ensuring access for people and vehicles.

Based on this, suggested uses in the area include, but are not limited to, the following:

(a) Dining establishment – Fast order food and sit-down;

(b) Drinking establishment;

(c) Food and beverage retail sales;

(d) Visitor information service;

(e) Retail sales;

(f) Office/reservations for lower bench area uses;

(g) Library service and cultural exhibit.

Not more than 15 percent of the HP-1 area shall be occupied by structures. A structure must occupy a footprint of not more than 1,500 square feet; however, area may be used for incidental use of the structure, such as outdoor seating and viewing.

At least 75 percent of the HP-1 area must be dedicated to preserving and enhancing the views,

and without cost to the user, parking and open space (trails, interpretive signage, kiosks, landscaping, etc.) for the outdoor enjoyment of the view and surrounding area.

(2) Architectural Character. A main building is intended to be a landmark on the bluff near the intersection of Newmark Avenue and Empire Boulevard and serve as an attractor for the activities on the lower portion of the site without compromising views of the bay from Newmark Avenue and Empire Boulevard.

Commercial uses should open onto Empire Boulevard with functional doors and windows, canopies/awnings, recessed entrance doors, and attractive signage at an appropriate scale to the building. Parking is to be located to the south of the landmark building. [Ord. 432 § 3 (Exh. B), 2010].

17.127.040 HP-2, lower bench area.

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

(a) Capitalize on views, the bayfront and recreational opportunities;

(b) Serve as a catalyst for the Empire business district and other, nearby developments; and

(c) Raise the standards for quality development.

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

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

(a) Contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; and

(b) Advance the historical element as delineated in the PUD.

(3) Architectural Character. Structures, which are limited to a footprint of 1,500 square feet, should evoke a village feel that is created through the buildings' design, scale, massing, connection to public space and relationships to each other.

Structures east of Mill Street must be designed so as not to obscure the view from the upper bluff area, HP-1.

Residences are encouraged on the second floor of structures in the area west of Mill Street. Retail/cottage units may be mixed-use or live/work structures with retail or workshop spaces on the ground floor and a loft-style residential cottage unit above. [Ord. 432 § 3 (Exh. B), 2010].

17.127.050 Conditional uses in HP-2.

The following uses are permitted in the HP-2 subdistrict if authorized in accordance with the provisions of Chapter 17.355 CBMC and adequate findings can be made to show the proposed use is complementary to the master plan.

(1) Commercial Use Types.

(a) Limited manufacturing. (See Chapter 17.280 CBMC.)

(2) Any civic, commercial, or agricultural use which is proposed to exceed a 1,500-square-foot footprint in gross floor area. [Ord. 432 § 3 (Exh. B), 2010].

17.127.060 Estuarine uses and activities.

The uses and activities set forth in Coos Bay Estuary Management Plan 54-UW may be permitted if, by allowing the use/activity, the intent of the HP zoning district is met. In addition, the use/activity must satisfy Chapter 17.340 CBMC and the provisions of this chapter. [Ord. 432 § 3 (Exh. B), 2010].

17.127.070 Property development requirements.

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

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

(a) HP-1 Zoning Subdistrict. Buildings shall be no more than 25 feet in height from grade to the highest point on the roof.

(b) HP-2 Zoning Subdistrict. Buildings shall be no more than 35 feet in height from grade to the highest point on the roof.

(2) Yards. Setbacks are regulated by state building codes. Setbacks from the line of non-

aquatic vegetation are regulated by Coos Bay Estuary Management Plan Policy 23.

(3) Screening. Mechanical equipment, outdoor storage areas, utility vaults, refuse storage, fuel storage tanks, fire check valves, service and loading areas, and the like, shall be located out of view from the general public and shall be screened in a manner so that they are not visible from adjacent streets, public pedestrian walkways, the water, or the upper bluff area. Satellite dishes and mobile communications cell sites shall be screened and located in such a manner so as to reduce visibility from adjacent roadways, pedestrian ways and the bluff.

Screening devices must be designed to directly relate in materials, character, finish, color and detail to the primary structure. Landscaping may assist in screening enclosures and equipment/utility storage areas. Screening should not result in hiding places or entrapment areas.

(4) Utility Lines. Utility lines, including, but not limited to, those used for electricity, communications, street lighting and cable television, shall be placed underground. The design review board may waive the requirements if topographical, soil or other conditions make such underground installation or screening of above-ground equipment impracticable.

(5) Drive-through windows are prohibited.

(6) Murals. Murals are prohibited.

(7) Site Plan and Architectural Review (SPAR). A PUD, as required for the HP zoning district, requires, in part, approval of a site plan and architectural review, as set forth in Chapter 17.345 CBMC. Likewise, after approval of the PUD, a SPAR may be required to ensure an improvement is suitably related to its site and surrounding site and structures.

(8) Architectural Design Review. Approval of an architectural design review, as set forth in Chapter 17.390 CBMC, shall be required for all development. For the purposes of this chapter, "development" is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window (size/pattern/material), siding, or detailing on the exterior of any existing building.

(a) The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any buildings or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.

(b) Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.

(9) Historical Elements. The "story trail" concept set forth in the master plan, which provides information about the Hollering Place and its history, shall be exhibited at different interpretive points of interest throughout the HP zoning district. Developers will be required to set aside space to accommodate historical elements such as the "story trail" and interpretive signs. The location of the elements must be determined at the time of the PUD.

(10) Parking. All parking areas must be supported by landscape buffers. Parking in HP-1 must be located on the southern portion of the area and visually subdued from Empire Boulevard with low-growing plant material.

Except for residential uses, off-street parking requirements as set forth in CBMC 17.200.040 do not apply for the HP zoning district.

(11) Partitioning to allow for separate financing of individual components of the development may be done as part of the planned unit development process. [Ord. 432 § 3 (Exh. B), 2010].

17.127.080 Site design, guidelines and standards.

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

(1) Vehicle Circulation. The existing street patterns, access points and rights-of-way off of Empire Boulevard shall remain. The primary entry point to the lower development will be from Newmark Avenue with a secondary access along Mill

Street off of Michigan Avenue. Access to existing businesses and uses will remain, but will be modified to support on-street parking. Existing access to the boat ramp and parking lot shall remain. Parking along Holland Avenue, the south property line of the subject property, shall remain as boat ramp parking.

(2) Pedestrian Circulation. Pedestrian connectivity and continuity should be provided throughout the project with clear crosswalks, curb cuts that meet code, and adequate lighting. High-quality site furnishings suitable for coastal environments with long life and low maintenance should be provided.

(3) Historic Elements. The installation of interpretive panels are to celebrate early Hanisitch settlements and stories; early settlers and industries; estuary and wildlife themes, etc. During the PUD process, the developer will be required to set aside designated space where the panels and "story trail" will be located. The creation, installation and maintenance of panels and trail will be the responsibility of the city as development occurs.

(4) Landscape. All landscaping plans, including the plan for irrigation, shall be approved by the approving authority and installed and subsequently maintained in good condition and in perpetuity by the owner of the property. The landscape plan should reflect a theme (continuity) to be carried out throughout the development. For example, two to three large tree types, four to six shrub types, evergreen and deciduous framework, and color and highlights. Maintenance shall include, but not be limited to, watering, pruning, trimming, mowing, debris and weed removal, and, if necessary, replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a violation of this code. Landscaping must not result in hiding places or entrapment areas or create a danger to pedestrians.

(a) Landscaping should be in scale with adjacent buildings and be of appropriate size at maturity. Trees and shrubs used shall be selected from varieties compatible with the southern Oregon coast climate and which do not have destructive root systems which could damage either buildings or paved surfaces. Where parking lots abut buildings, foundation plantings are required.

(b) The landscaped area shall be planted with shrubs and/or ground cover to assure 50 percent coverage within one year and 90 percent coverage within five years. All landscaped areas should be planted and uniformly mulched. [Ord. 432 § 3 (Exh. B), 2010].

17.127.090 General design guidelines and standards – Architectural form and composition.

Visual linkages shall be established between the Empire business district and development on the bluff along Empire Boulevard, the various development areas on the lower site, views to the bay, and potential future development on adjacent sites. Buildings shall be designed and located to minimize the effects of undesirable bay winds at ground level. The following design guidelines and standards are provided for all development in the HP zoning district.

(1) Development shall respond to public streets and public spaces. Development along pedestrian routes shall be designed to encourage use by pedestrians by providing a safe, comfortable, and interesting walking environment.

(2) Architectural Character. The desired architectural character of the Hollering Place project is that of vernacular maritime or fishing villages. Examples of this include the many seaside villages and destinations in New England, such as Nantucket, and some of the small towns on the Oregon coast, such as Cannon Beach and Nye Beach, and the Oregon Institute of Marine Biology (OIMB).

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

(a) Attention shall be paid to the following architectural elements:

(i) Building form and massing;

(ii) Building height;

(iii) Rooflines and parapet features;

(iv) Special building features (e.g., towers, porches, entries, canopies, signs, and artwork);

(v) Window size, orientation, and detailing;

(vi) Materials and color; and

(vii) The building's relationship to the site, climate, topography and surrounding buildings.

(b) Building Entries.

(i) The main entrances to buildings shall be prominent, interesting and pedestrian-accessible.

(ii) The orientation of building entries shall:

(A) Orient the primary entrance toward the street, pedestrian walkway, public plaza or courtyard rather than the parking lot;

(B) Connect the building's main entrance to the sidewalk with a well defined pedestrian walkway; and

(C) Primary entrances shall be designed as inviting architectural features so they are clearly identifiable and offer a sense of arrival.

(c) Building Facades.

(i) Building frontages shall include architectural elements such as, but not limited to: bay windows, recessed entrances and windows, display windows, porches, balconies, or other architectural details or articulation, so as to provide visual interest in addition to creating community character and pedestrian scale. The overall design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of itself, does not meet the requirements of this subsection.

(ii) The dominant feature of any building frontage that is visible from the public area shall be the habitable area with its accompanying windows and doors.

(iii) Developments shall be designed to encourage informal surveillance of the public areas by maximizing sight lines between the buildings, public spaces and streets. This includes views both at ground level and from upper level balconies and windows.

(iv) The exterior walls of all building facades shall be of suitable durable building materials. All facades of any given building should be of consistent building materials. Side and rear building facades must have a level of detail and finish compatible with the front facade. If windowless walls are proposed, appropriate wall articulation is to be incorporated into the design to be compatible with the more prominent facades of the building.

(v) A preliminary review by the city is required if the following materials are contemplated:

(A) Unfinished concrete (painted or unpainted);

(B) Unfinished concrete block (painted or unpainted);

(C) Unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard);

(D) Concrete block, split-face block, and cinder block.

(vi) Appropriately scaled architectural detailing is encouraged.

(vii) Awnings or canopies are encouraged. Backlit awnings are prohibited.

(d) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows;

(e) Use muted and naturally occurring colors as predominant building colors.

(f) Building rooflines shall be designed to create architectural interest and contribute to the overall identity of the area.

(g) Lighting of a building facade shall be designed to complement the architectural design. Lighting shall not draw inordinate attention to the building.

(h) Service Zones.

(i) Building and sites shall be organized to group the utilitarian functions away from view of the public area.

(ii) Delivery and loading operations, mechanical equipment (HVAC), trash compacting/collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. Because of views from the wayside in HP-1, roof-mounted equipment as HVAC, etc., shall be prohibited unless incorporated with architectural screening.

(iii) The visual and acoustic impacts of these functions, along with all wall or ground-mounted mechanical, electrical and communications equipment, shall be out of view from adjacent properties and the public realm.

(iv) Screening materials and landscape screens shall be architecturally compatible with the principal materials of the building.

(3) Signs. The standards in this subsection are in addition to the standards in Chapter 17.230 CBMC. If the provisions conflict, the stricter shall

apply. Signs on the building facade should be clear, informative and made of high-quality, durable materials for longevity. Oversized, glaring and excessive signage is prohibited. Signs should take into account the scale of the building and the viewer, particularly the pedestrian. All signage unless specifically stated is subject to review by Chapter 17.390 CBMC, Architectural Design Review. General standards for signage follow:

(a) Size, materials, style, position and color shall complement the building facade and shall be compatible with the surrounding area. Signs may be illuminated by very low level lighting during evening hours and the lighting shall not flow onto the adjacent property or street.

(b) Signs on a business front are limited to a building sign on each building face (identifying the building name) and a sign for each business entry (vehicular or pedestrian).

(c) Sign Types.

(i) Wall-mounted signs are permitted not exceeding two feet in height. Letters shall not exceed 18 inches in height or width and one inch in relief. A wall/fascia sign must not extend across two storefronts or across separate buildings.

(ii) Building plaques bearing an appropriate thematic decorative motif, or an owner's or building's name may be placed in the building's cornice wall or under the eaves, and above the upper story windows.

(iii) Street addresses (building numbers) shall be placed above street entry doors and be visible to the pedestrian and emergency services. In instances where the entry doors are not clearly visible from the street, the street address shall be affixed to a permanent structure at the primary entranceway to the property.

(iv) Building identification shall include signage at the pedestrian level, clearly visible from the adjacent sidewalk. This can include one or more of the following: window and door signs, projecting signs and awning signs as described below.

(v) Temporary window signs may be allowed on storefronts. The area of the text and graphics shall not cover more than 30 percent of the window area.

(vi) Door signs of wood, bronze, metal, stone or glass may be placed on either or both sides of the entry doors with the street address located above the door. They shall not exceed two square feet and one inch in relief.

(vii) Awning Sign. Advertising material attached to an awning is an awning sign. Signs may be hung from or located on the face of any overhang or awning.

(viii) Projecting Sign. A projecting sign is a sign where the message area is displayed perpendicular to the building facade. The sign should be hung from the building face below upper floors so as to be visible to pedestrians.

(ix) Freestanding signs, such as, but not limited to, a sandwich board, pedestal sign holder, and other types of freestanding signs shall be included as part of the maximum allowable area for signs and are prohibited in the right-of-way without a right-of-way use permit.

(x) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current. Signs such as "open" or "closed," which are no more than two square feet in size, are permitted without review.

(xi) Miscellaneous. In addition to the above sign types, other types of signing may be appropriate if they meet the criteria listed under subsections (3) and (3)(a) of this section.

(xii) Prohibited Signs.

(A) Pole-mounted signs and billboards;

(B) Electrical or Mechanical Signs. No sign shall contain or be illuminated by any flashing, blinking, moving or rotating light;

(C) Internally illuminated sign (neon tubing signage shall not be considered as internally illuminated sign);

(D) Readerboards;

(E) Electric message display signs;

(F) Roof signs;

(G) Attraction devices (strings, groupings, or pinwheels). [Ord. 432 § 3 (Exh. B), 2010].

17.127.100 Hollering Place master plan.

The Hollering Place master plan, adopted December 2, 2008, by the Coos Bay urban renewal agency, follows. [Ord. 432 § 3 (Exh. B), 2010].

Code reviser's note: The online code links to a color version of the master plan.

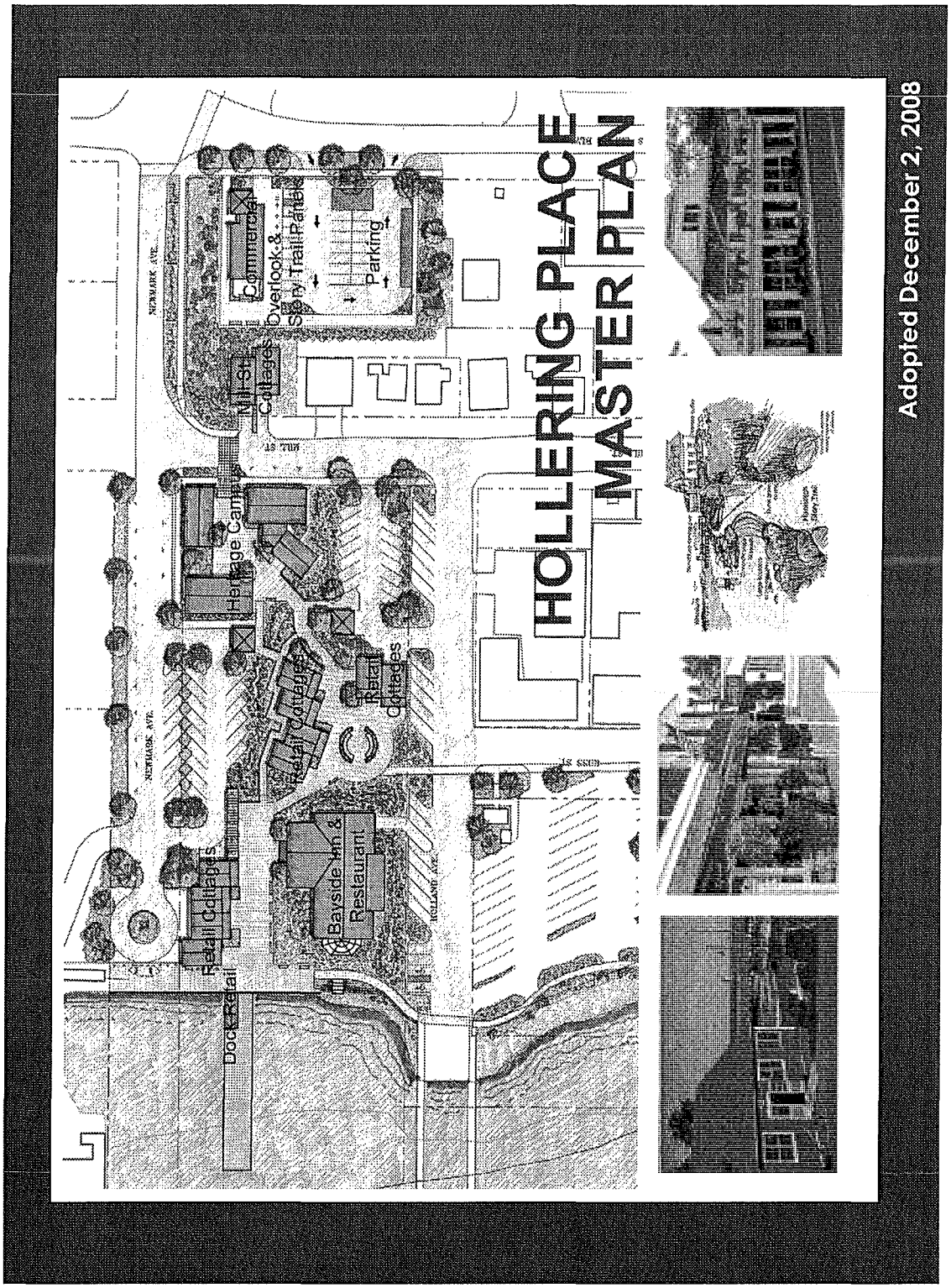

HOLLERING PLACE
MASTER PLAN
Adopted December 2, 2008
Commercial
Overlook &
Sky Trail Parking
Parking
Mill St
Cottages
Heritage Cottages
Retail Cottages
Retail Cottages
Bayside Inn &
Restaurant
Retail Cottages
Dock Retail
NEWMARK AVE.
HOLLAND AVE.

TABLE OF CONTENTS

3 Acknowledgements

5 Introduction

5 Hollering Place History

6 Project Background

7 Why & How is This Plan Different?

8 The Site

10 The Process: Developing Options for Feedback

10 Option A: Maximizing Increment

12 Option B: Heritage Campus Model

13 The Best of Both Options

15 The Hollering Place Master Plan

16 Design Themes & Unifying Elements

17 The Plan in Detail

17 Upper Site: Empire Blvd. Wayside

18 Opening Up the View

19 Managing Stormwater & Reclaiming Habitat

21 Cottages as Transitions

22 The Lower Site: A Smart & Sustainable Approach

24 Heritage Campus: Local History & Hands-On Learning

27 Cottage/Retail Clusters

28 Dockside Retail

29 Bayside Inn & Restaurant

30 The Story Trail

32 Reconnecting to the Water

33 Readying the Site, Development Phasing & Potential Partners

34 Phasing the Development Program

37 Next Steps for the Urban Renewal Agency

38 Potential Public Partners

39 Land Use, Site Design & Building Typologies

39 Zoning Recommendations

41 Site Design, Circulation & the Public Realm

45 Building Typologies

49 Conclusion

(Revised 8/10)

17-62.8

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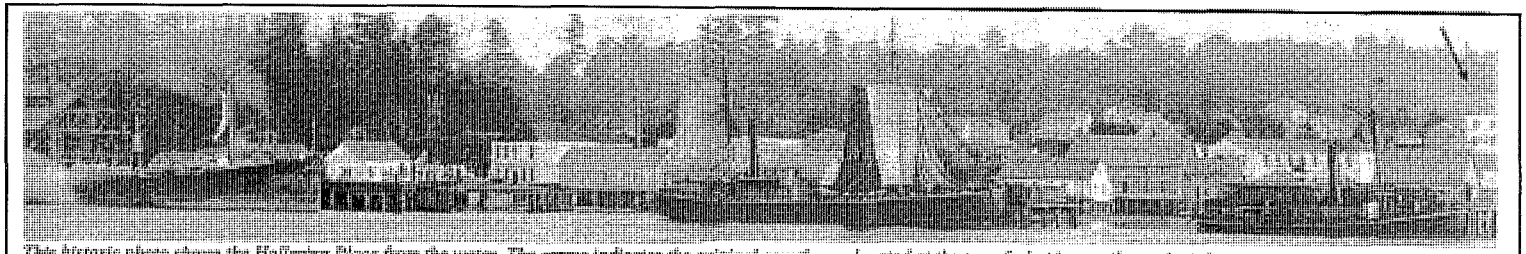
INTRODUCTION

HOLLERING PLACE HISTORY

Before the first Europeans sailed into the Coos Bay estuary, the Hollering Place was the center for transportation, commerce and, without a doubt, communication. By establishing a village named *Hanisitch* (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location any anyone traveling along the coast. South-bound travelers would holler across to the village and someone would paddle over to provide passage.

Located on the deepest water in the west bay, the Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The original courthouse was located on the bluff overlooking the waterfront (see photo, below). After the county seat was moved to Coquille, the City of Empire lost energy and over time the city was incorporated into the City of Coos Bay. In 1998, a restaurant fire at the location of the old courthouse (the intersection of Newmark and Empire Blvd.) revealed a wonderful view to the bay and 'rediscovery' of the historic Hollering Place. A citizen-led effort convinced the City to purchase the 3.68 acre property for an overlook/wayside on the upper level and to redevelop the lower part of the property adjacent to the waterfront.

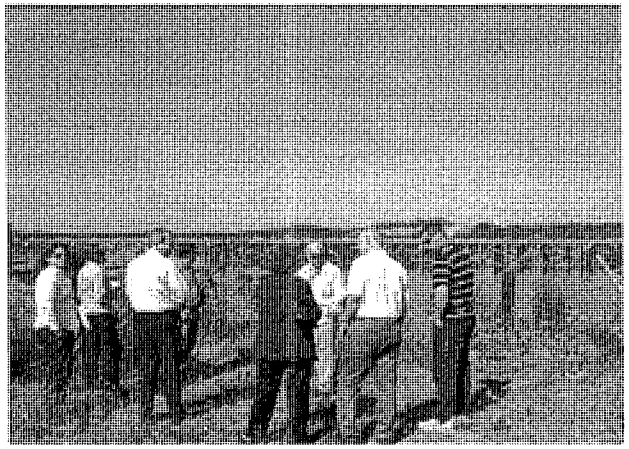


This historic photo shows the Hollering Place from the water. The arrow indicates the original courthouse located at the top of what is now the project site.

PROJECT BACKGROUND

By 2007, Empire citizens and the City had worked together to clean up the Hollering Place site and develop prioritized next steps. Local citizens were eager for the City to develop an overlook/wayside with historic information presented for visitors who stopped. A redevelopment scheme for the site was developed that incorporated concepts for a wayside and redevelopment on the lower portion of the site. Four goals emerged from public workshops associated with this planning effort:

- Preserve and utilize the views
- Encourage economic revitalization of the Empire Business District with a retail village complex
- Present the history of the site
- Maximize water-related activities and facilities



Several members of the Developers Tour group looking over the Hollering Place site. This photo was taken on the lower 'bench' of the site near the waterfront.

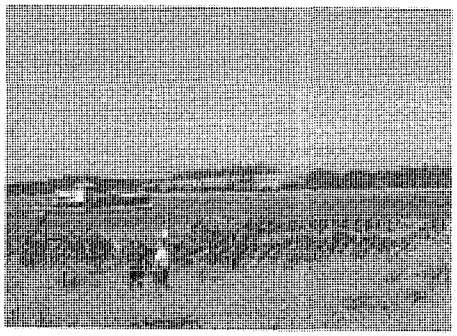
The City contracted for geo-technical studies for portions of the site to better understand the slope's stability and development potential. In the meantime, the City was interested in helping move the project along by developing a detailed, market-based master plan for the Hollering Place. The goal was to develop a plan that was: based in economic feasibility; could be marketed to developers; and was supported by the community. Project phasing, potential partnerships and marketing the site would also be important components of the Hollering Place master plan. In the summer of 2008, a team assembled by the Oregon Downtown Development Association was selected to develop the market-based master plan for the Hollering Place. This report is a culmination of

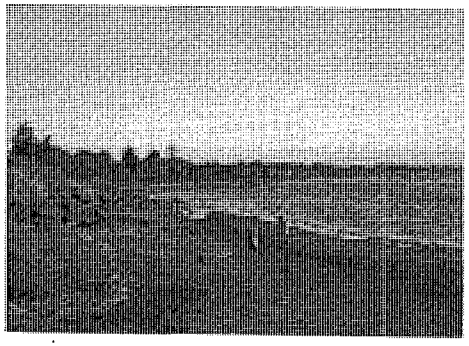
information gleaned through public involvement and realistic redevelopment opportunities for the Hollering Place site.

WHY & HOW IS THIS PLAN DIFFERENT?

More often than not, master plans are developed based on a vision and not market realities. This master plan moves previous planning efforts forward by market testing assumptions and concepts, incorporating developer feedback and by meeting multiple objectives that include:

- Community objectives: some of which are non-revenue generating
- Urban Renewal objectives: which are to increase the tax base and have a catalyst project to help spur additional development and investment in the Empire District
- Business District objectives: where what happens on the Hollering Place site should complement and connect with the existing business district





These photos show different aspects of the Hollering Place site and the adjacent bay. A goal of this project was to develop a realistic redevelopment plan for this site that was based in market reality and could be supported by the local community.

The process to develop this plan began differently than most planning efforts. Phase I began with testing assumptions and assessment of the redevelopment potential of the property. A Developers' Tour was conducted on August 28th. Seven developers from the valley and coast, along with representatives from the City, Concerned Citizens of Empire and project team participated in the tour. Following the tour, the developers debriefed with the group over lunch. From this feedback the project team then developed two redevelopment scenarios (described shortly) to present to the public. Phase II of the project incorporated comments from the initial concepts

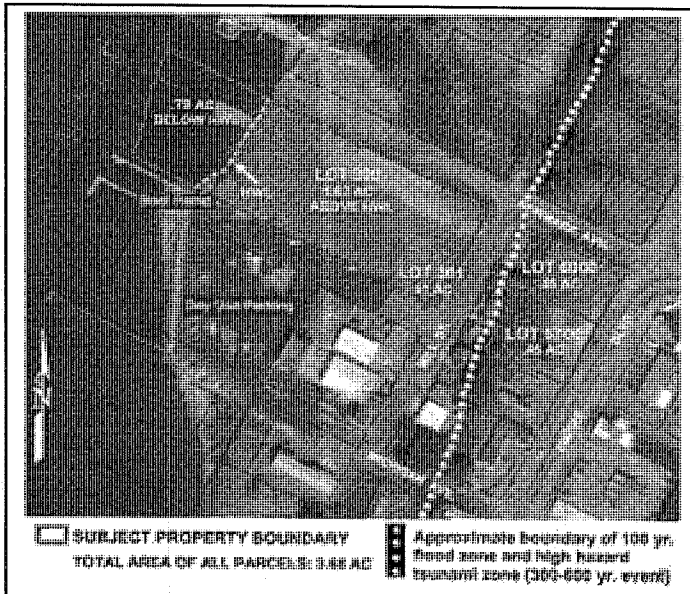
into a final plan based on market feasibility. An illustrative plan was developed, along with perspective sketches of proposed improvements, an economic analysis conducted and engineered drawings for public improvements to the upper level of the site created. A code audit was also conducted and draft design standards created. A marketing brochure, targeted to developers, was part of the project deliverables.

THE SITE

Situated at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway), the Hollering Place site is the terminating vista as one travels west through the Empire District before making a left turn to continue south. The site is comprised of four lots (lot #s 6000 & 6700 on the upper bluff and 300 & 301 on the lower bench), with a total area of 3.68 acres.

The existing zoning is General Commercial for the lots located on the bluff and Urban Water Dependent on the lower lots *above* the high water line and Development Aquatic *below* the high water mark.

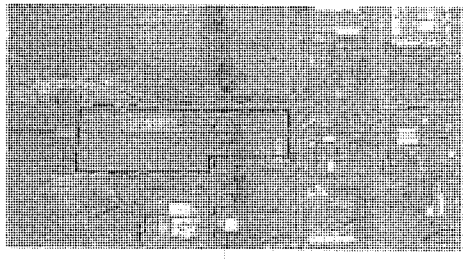
Sketches, on the next page, show the site's relationships and factors to consider in its redevelopment.



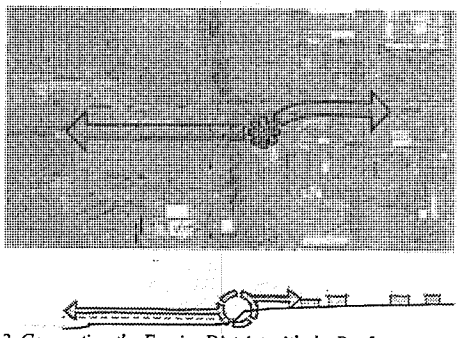
This map shows the Hollering Place site, adjacent public uses, flood and tsunami zone demarcation and lot boundaries.

These site study sketches were created in order to help the project team understand key factors in redeveloping the Hollering Place site.

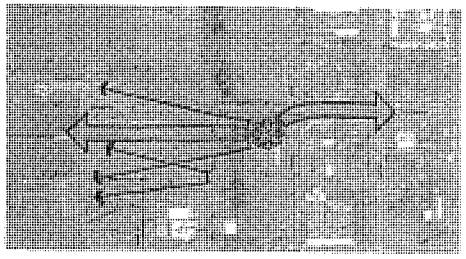
The site is shown in sketch #1. Connection to the Empire District (#2) is critical and can be achieved by using small scaled gateway development near the intersection of Newmark Avenue and Empire Boulevard as an anchor and connector to the development 'below'. Preserving and enhancing views (3) is a key component and will be balanced with achieving the right development mix and ensuring access for people and vehicles (#4). Taking into account the myriad weather and environmental factors is also important (#5), as is making sure the new development is complementary to adjacent use (#6).



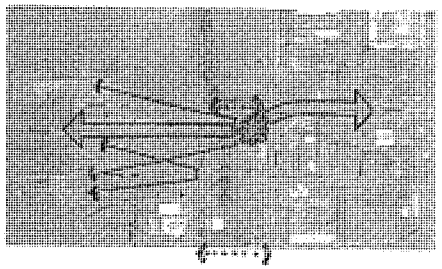
1. The Hollering Place Site.



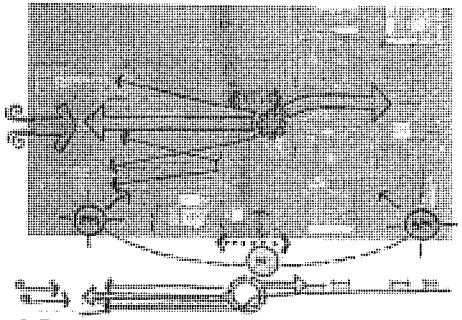
2. Connecting the Empire District with the Bayfront.



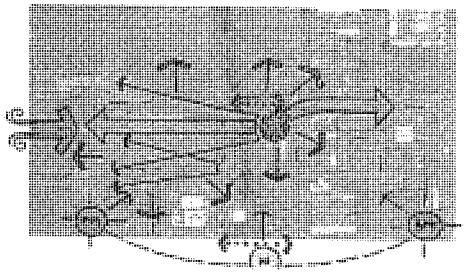
3. Preserving and enhancing views.



4. Access for people and vehicles.



5. Environmental factors.



6. Being a good neighbor today and in the future.

The site's physical condition varies. The bluff portion is relatively flat and open. It contains a thick hedge to keep people away from bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Blvd., is a narrow cut with the property's steep slope adjacent to the roadway. Storm water runoff on this portion of the site has caused erosion. The grade change between the upper bluff and lower portion of the site is approximately 30' and in its current condition (without retaining walls), the slope is unstable and prone to slides. The lower portion of the site has been cleared, is fenced off and contains remnants of concrete from its previous use.

Locals, who are familiar with the site, say that a stream has been covered over in this area. (The lower part of the site has been heavily filled.) They also talk about the Hollering Place as being near the location of an early Native American village called *Hanisitch,* but its precise location has not yet been identified.

A large dock lies in ruins from the site into the bay. Directly south of the lower site, a public boat launch, tie-up, fishing pier and public parking lot that contains a cleaning station and public restrooms exist. Nearby, Coast Guard offices, residential and industrial uses and vacant lots complete the picture.

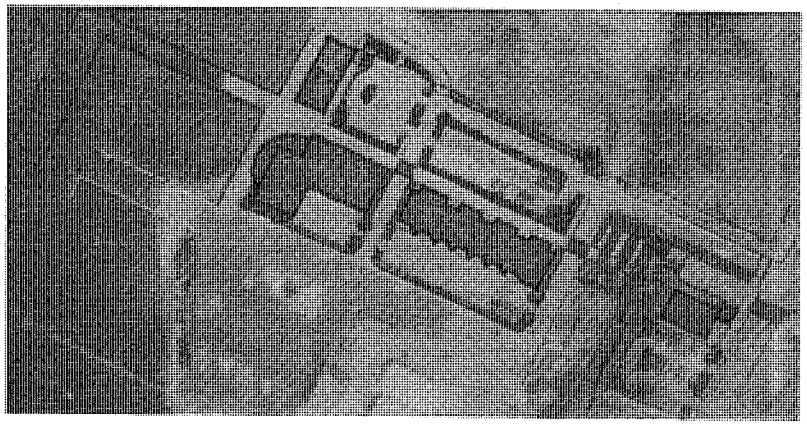
THE PROCESS: DEVELOPING OPTIONS FOR FEEDBACK

An important component in developing this master plan was to offer the community redevelopment options for the Hollering Place site and let them choose an option, or combination of options, to move forward. The following pages outline the two original development scenarios developed and tested with the community during Phase I of the project.

OPTION A: MAXIMIZING INCREMENT

This redevelopment scheme was focused on getting as much development density in order to gain the most of tax increment - - putting more dollars into the Urban Renewal district to help fund desired public improvements. The plan showed $14,000,000 worth of real market value and included wayside commercial, condos, ground floor retail, boutique hotel, restaurant and dock services retail.

Redevelopment OPTION A: Maximizing Increment



Income Producing	Non-Income Producing
Dock Retail	Dock
Boutique	Wayside
Residential	Interpretative Center
Commercial	Public Plaza

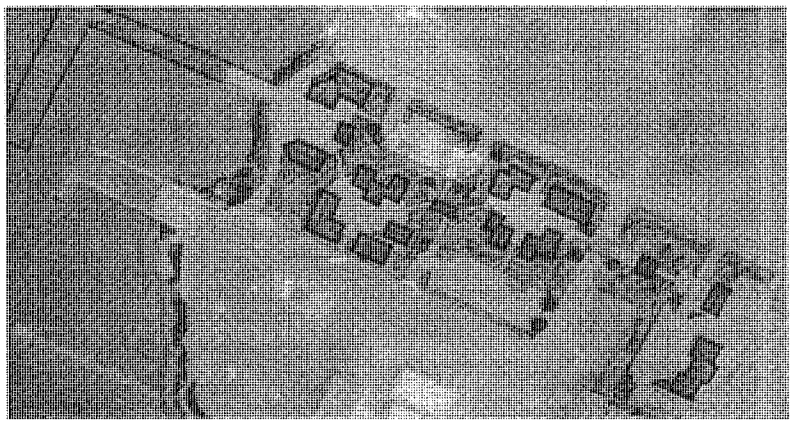
Program A

Components:	SF	RMV/SF	RMV
Highway Commercial	2,400	160	$384,000
Condos	22,400	350	$7,840,000
Ground Floor Retail	7,200	140	$1,008,000
Boutique Hotel	24,000	180	$4,320,000
Restaurant	3,500	120	$420,000
Dock Services Retail	1,500	80	$120,000
			$14,092,000

OPTION B: HERITAGE CAMPUS

The second development program offered by the project team was much less dense in development style and included the incorporation of a heritage campus for activities like wooden boat building, etc. It also included retail, cottages, a small restaurant and water-related retail.

Redevelopment OPTION B: Heritage Campus



Income Producing	Non-Income Producing
Dock Retail	Wayside
Cottage Residential	Public Plaza
Commercial	School/Educational
	Interpretative Center

Program B

Components:	SF	RMV/SF	RMV
Highway Commercial	2,400	160	$384,000
Condos	14,400	220	$3,168,000
School	18,000	120	$2,160,000
Restaurant	2,500	100	$250,000
Dock Services Retail	1,500	80	$120,000
			$6,082,000

THE BEST OF BOTH OPTIONS

Community feedback was extremely valuable to help the project team refine concepts and move the project to its next phase.

On **Option A: Maximizing Increment**, the community **LIKED**:

- How the *upper* portion of the site was handled
- Historic seaside architecture style
- Story Trail for site interpretation

They **DISLIKED** the following:

- Modern architecture examples
- *Lower* portion of the site was too densely developed

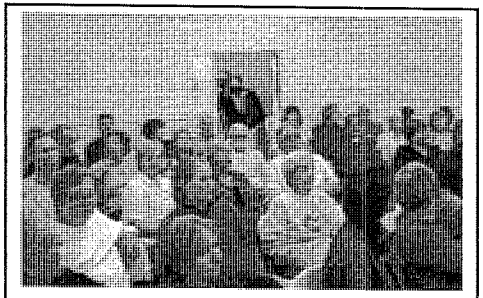
On **Option B: Heritage Campus**, the community **LIKED:**

- How the *lower* portion of the site was handled
- Historic seaside architecture and connection to nature
- Concept of Heritage Campus
- Story Trail for site interpretation

They **DISLIKED:**

- How the *upper* portion of the site was handled

In response to public feedback gathered at the August 28th meeting, the project team refined the original concepts; melding the favored concepts of both options into the final version of the master plan for the Hollering Place site. It was presented at a public meeting on September 22, 2008 for comments. The plan was very well received, barring one cross-section drawing showing the proposed new building on the bluff with a design emulating a light house. Following the public meeting, the project team moved forward with next phase tasks, including developing engineered drawings for improvements to the upper level of the site and ball-park cost estimates that fed into a more detailed level of economic analysis.



On August 28, 2008, the community turned out in numbers to hear about, and comment on, the two redevelopment options put forward by the project team. Following this meeting, the team combined the most favored options of into a plan that was presented to the public on September 22nd.

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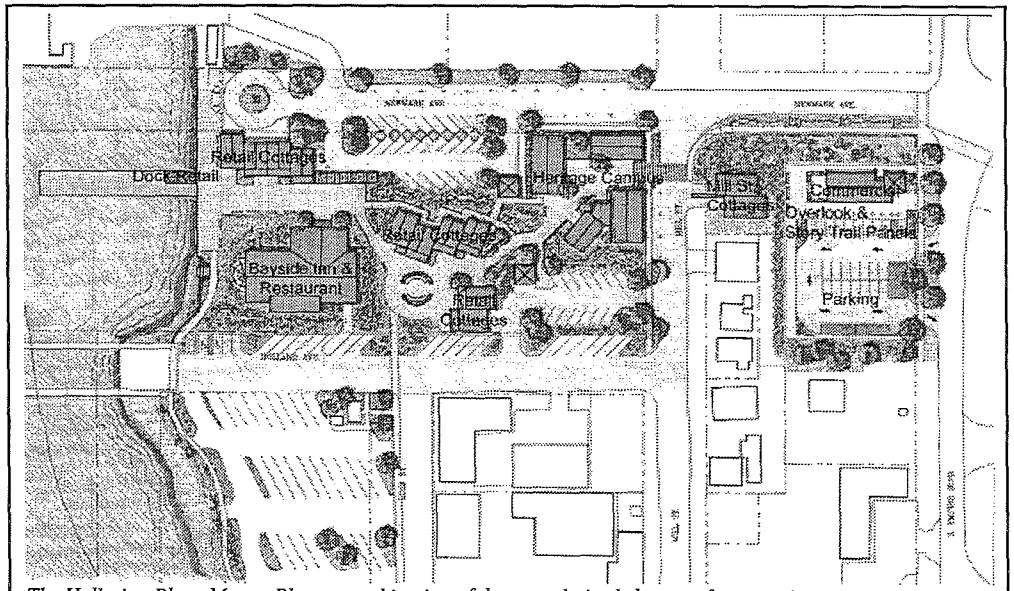
THE HOLLERING PLACE MASTER PLAN: A SCHEME THAT WORKS

The master plan for the Hollering Place site anticipates a range of uses that include: commercial; residential; overnight lodging; and educational. The plan is designed to allow for phased development of the site, within the constraints of an overall development program. The bluff portion of the site is envisioned to include an overlook area, as well as an interpretive area (part of the Story Trail), public restrooms and a small space.

The proposed development program for the Hollering Place includes these components:

- *Hotel/Restaurant: 3 floors, approximately 20,000 sqft*



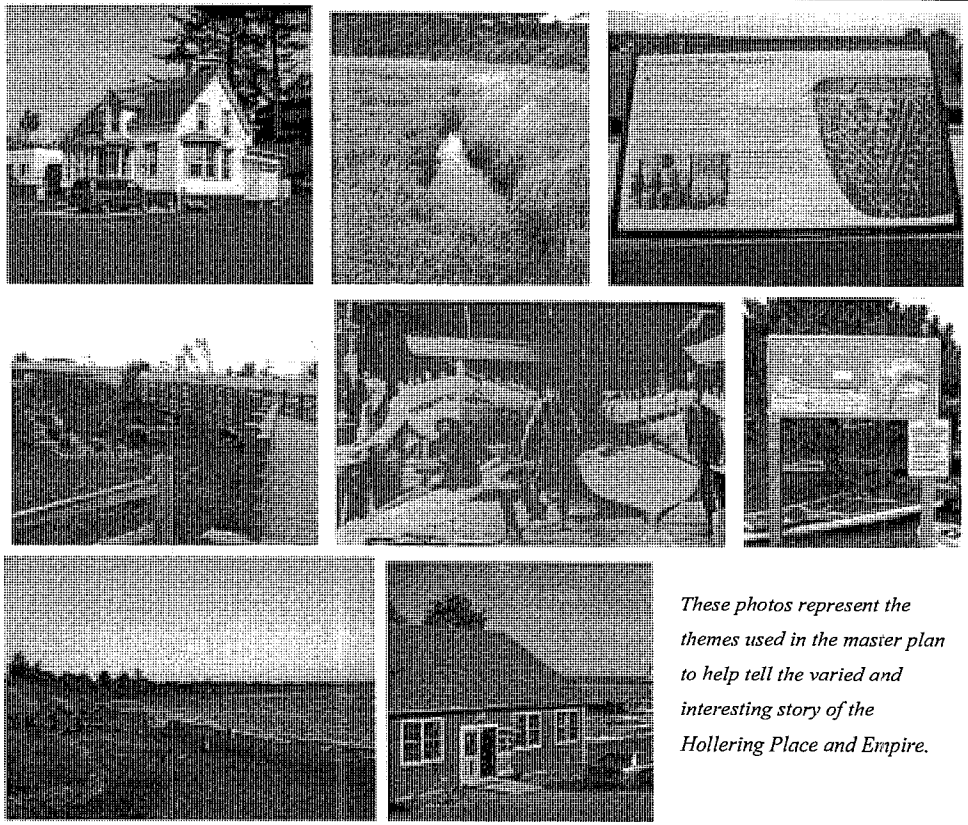
The Hollering Place Master Plan; a combination of the most desired elements from previous concepts.

- *Mixed-use Cottages: 10 units, 2.5 floors, ground floor retail/workshop: 880 sqft, residential cottage with loft: 860 sqft*
- *Retail Pavilion: 400 sqft*
- *Heritage Campus: 2 workshops at 1,800 sqftt each, Admin/classrooms/meeting: 2,800 sqft*
- *Empire Boulevard: Retail overlook: 1,600 sqft*
- *Mill St. Cottages: 2 at 1760 sqft each*
- *Parking: 28 spaces upper, 57 spaces lower*

HOLLERING PLACE MASTER PLAN

DESIGN THEMES & UNIFYING ELEMENTS

Throughout the development of the master plan, the project team and community discussed themes and unifying elements in order to develop a relevant and cohesive design vocabulary for the Hollering Place site. There was a consensus that themes celebrating local historic architecture, reclamation of native shoreline habitats, sustainability, interpretation of local history and reconnection to the water and boat-building were the most relevant. Focusing on these themes and using them as part of the Hollering Place design pattern will help strengthen the district's identity, ensure compatible development and communicate the Hollering Place's unique story.



These photos represent the themes used in the master plan to help tell the varied and interesting story of the Hollering Place and Empire.

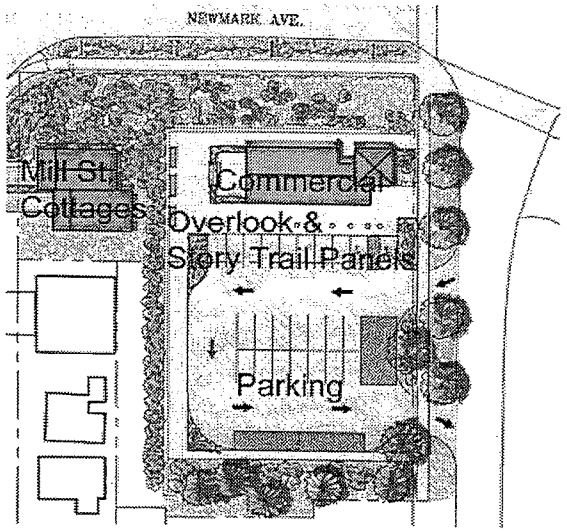
THE PLAN IN DETAIL

Although the size of the Hollering Place redevelopment site is small (3.68 acres), the redevelopment plan has several facets and components. This section of the report describes, in detail, the proposed development program for the site. The enlarged plan sections, right and on following pages, are taken directly from the master plan shown on page 15.

The Empire Boulevard Overlook

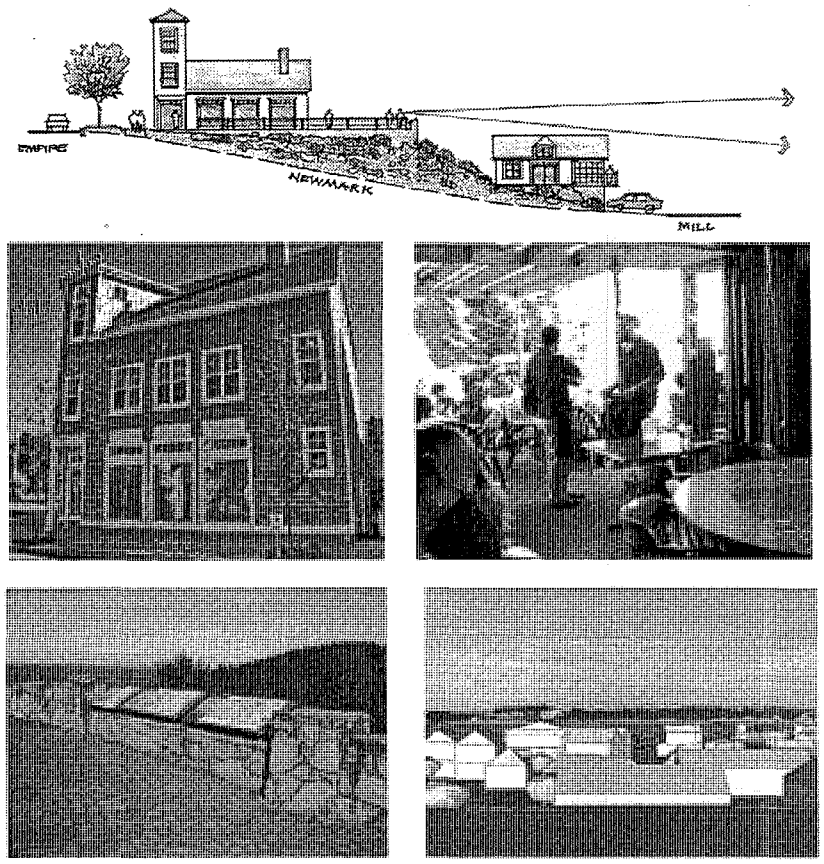
Retail: 1,600 sq ft
Overlook parking: 28 spaces

Starting at the top of the site, the proposed plan includes the Empire Boulevard Overlook. The master plan envisions this portion of the site as serving as an important anchor and entry statement, signaling the presence of the remainder of the project which would be difficult to see from the highway. This development phase is considered to be critical and would likely be the first to be implemented. This portion of the site would need to be developed as a public/private partnership, including the cut back of the slope, construction of retaining walls, building, interpretative overlook and parking. This site should also be prioritized from a logistics perspective, as construction of the roadway would be highly detrimental to any development on the lower portion of the site occurring simultaneously.



This section of the plan deals with the Empire Boulevard Wayside which incorporates a parking lot, overlook, interpretative panels and a building that contains retail and public restrooms. This portion of the plan also includes the regraded slope to open up the view of the bay and proposed development, bioswales (to manage stormwater runoff), and the creation of two cottages at the bottom of the hill, adjacent to Mill Street.

The overlook building is estimated at 1,600 square feet, offering enough space for a retail/café space. The overlook parking area includes 28 spaces. Both the building and parking area connect to a plaza/overlook area that incorporates an attractive stone wall with interpretative Story Trail panels built into it.



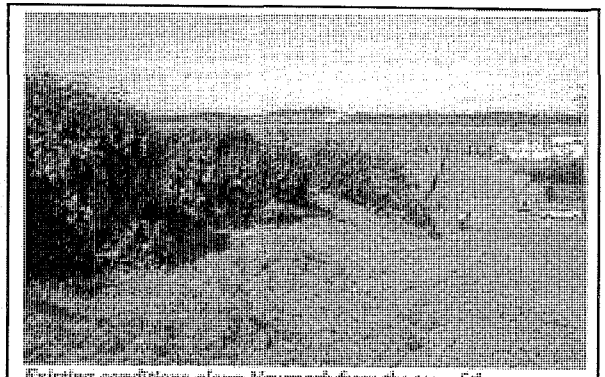
These photos and sketches are examples of how the Empire Boulevard Overlook could be developed.

The largest portion of cost associated with the development on the bluff would be attributed to the necessary retaining wall system. This cost could be mitigated through a public/private partnership and there are opportunities to use innovative tools and solutions.

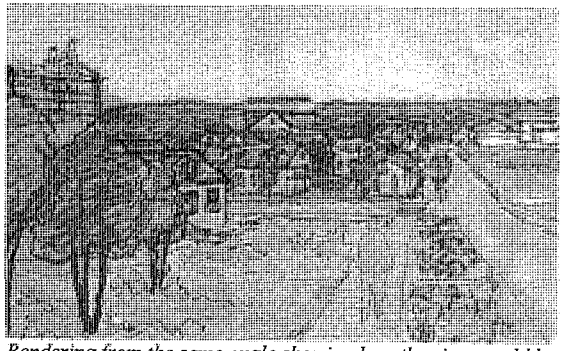
Opening Up the View

One concept that gained wide support during the planning process involved cutting back the upper bluff's slope 50' along Newmark. Currently, Newmark's roadway is a slot cutting through the hill and by laying back the slope, an additional 50' of view could be opened - - giving valuable visual access to the bayfront and development on the lower bench of the site.

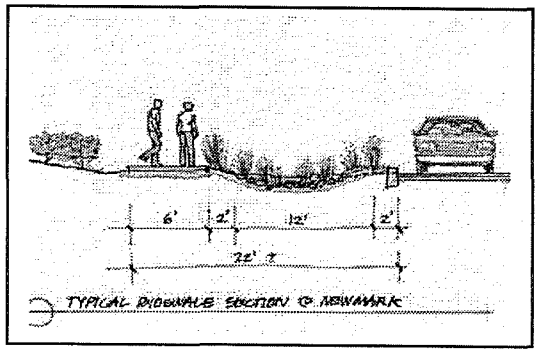
The cost to lay back the slope, create the bioswale and include the streetscape and infrastructure amenities is not an expensive endeavor and will provide a lot of 'bang for the buck'. However, this improvement must be coordinated with the larger, expensive retaining wall system for the overlook (along with the other overlook improvements).



Existing conditions along Newmark from the top of the Hollering Place site.



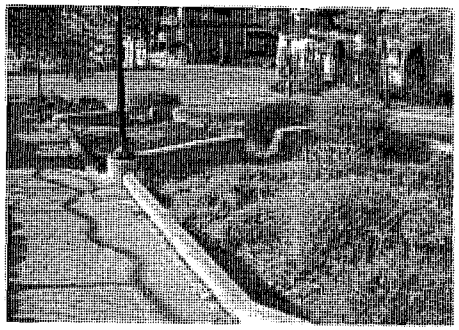
Rendering from the same angle showing how the view would be opened up by laying back the slope. Note bioswale treatment to manage stormwater runoff.

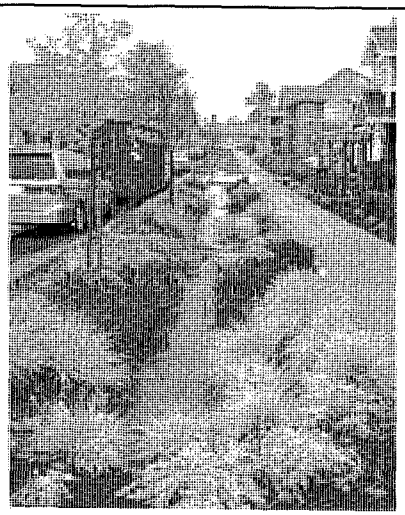


Managing Stormwater & Reclaiming Habitat

During this project's public meetings, the community was very interested in sustainable practices, reclaiming native habitats and managing stormwater runoff. In response, the designers incorporated a variety of measures to meet these objectives. Moving down the hill from Empire, a bioswale is proposed between the sidewalk and roadway to manage and filter runoff. At the intersection of Newmark and Mill, a small detention basin would be created. From there an underground pipe would carry the stormwater across Mill Street and into the larger bioswale running through the bayfront development. (Cost estimates for all the site work follows as do details on the other sustainable measures.)

Examples of bioswales that manage and filter stormwater runoff. They are composed of rock-lined channels that are planted with native species.





Cottages as Transitions

Mill Street Cottages: 2 @ 1760 sqft ea with tuck-under parking

Along Mill Street, at the bottom of the bluff, two cottages are proposed as part of the overall development plan. They would serve as a sensitive transition to the adjacent residential area to the south. The cottages would incorporate tuck-under parking; with second floor balconies and windows to the views. They were carefully designed as to not obscure the view from the overlook. For development purposes, they could be phased separately.

COTTAGES
FOR-SALE RESIDENTIAL
OVER GARAGES
SUMMARY INFORMATION

November 3, 2008

AREA SUMMARY:	
Parcel Size (SF)	5,000
Building Size (SF)	3,480
Residential Units	2
Density (Units/ Acre)	17.42

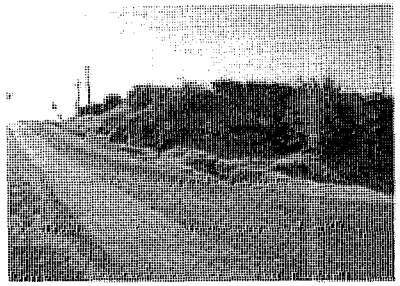
INCOME SUMMARY:	Total SF	Average Price/ SF	Gross/ Net Income
Residential Units	2,280	$250.00	$570,000
Less Commissions		5.0%	$541,500

COST SUMMARY:	Per SF		Total
Acquisition Cost	$0.00		$0
Direct Construction Cost	$111.46		$387,880
Soft Costs	$23.41		$81,455
TOTAL	$134.87		**$469,335**

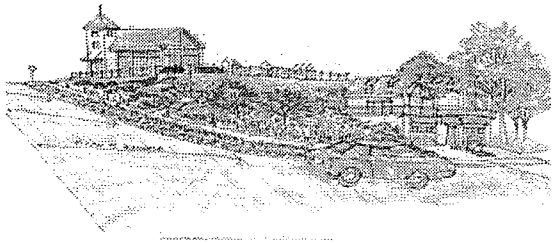
CONSTRUCTION LOAN ASSUMPTIONS:	
Construction Loan Amount	**$427,500**
Interest Rate	7.00%
Term (months)	18
Drawdown Factor	0.52
Construction Interest	**$21,989**
Construction Loan Fee (%)	1.00%
Construction Loan Fee ($)	**$4,275**

MEASURES OF RETURN:	
Indicated Value @ Stablization	$535,800
Value/ Cost	114%
Return on Sales (ROS)	45.7%

ESTIMATION OF VIABILITY GAP	
Targeted Return on Sales	20.0%
Calculated ROS	45.7%
Calculated Gap- (includes parking)	($95,632)
Overall Gap as % of Development Cost	-20.4%
Residual Land Value:	**$95,632**



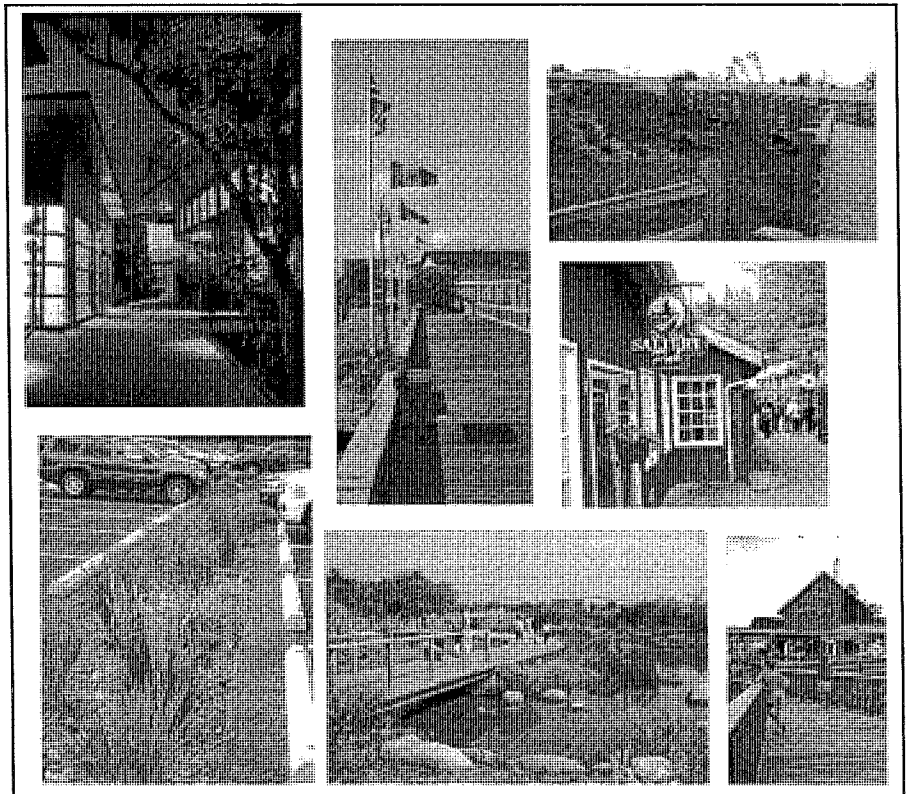
Existing Conditions



This sketch shows the location of the proposed cottages along Mill St.

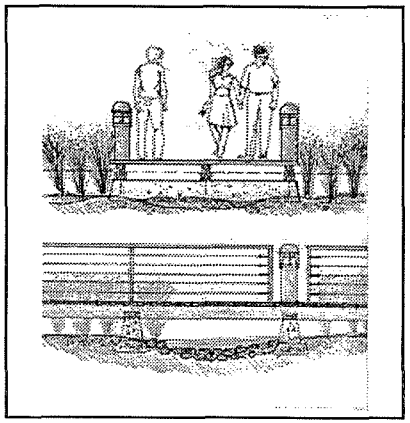
THE LOWER SITE: A SMART & SUSTAINABLE APPROACH

For the balance of the site on the lower bench (west of Mill Street to the waterfront), the master plan envisions creation of an extensive bioswale system that would connect with the one along Newmark. This portion of the site has been extensively filled over time, and a recent geo-tech report outlines the necessity of driving piles to a depth of around 30' in order to support any new development. This is mandatory in order to address soil liquefaction issues during an earthquake. Since piles are necessary part of new infrastructure, the design team decided to slightly raise the floor level of buildings and connect them with a boardwalk system. The bioswale system would be located beneath the boardwalk and buildings. It would be created by



The concept for the lower portion of the Hollering Place site includes the incorporation of a boardwalk system connected to buildings constructed on piles. Beneath, a bioswale system would manage and treat storm water runoff through native plants that hold and filter the water.

excavating soil beneath the boardwalk system, incorporating stone-lined channels and native plants.



The parking lots, located at the edges of the development, would be recessed slightly from the surrounding streets. They would be graded to capture all stormwater into the bioswale directly adjacent. Connection to the development would be via boardwalks.

Creating a raised boardwalk village over a bioswale will achieve several benefits: 1) address flood plain and potential winter storm surge issues; 2) allow for bioremediation of runoff by treating it onsite in the bioswale; 3) support the rehabilitation of the coastal wetlands through the reintroduction of native plants and ecosystems; and 4) raise awareness for innovative sustainable practices. It would also be a unique marketing tool for developers and businesses.

Much of the site work for the lower bench would need to be completed prior to any development of this portion of the site, with the boardwalk system able to be phased as needed.

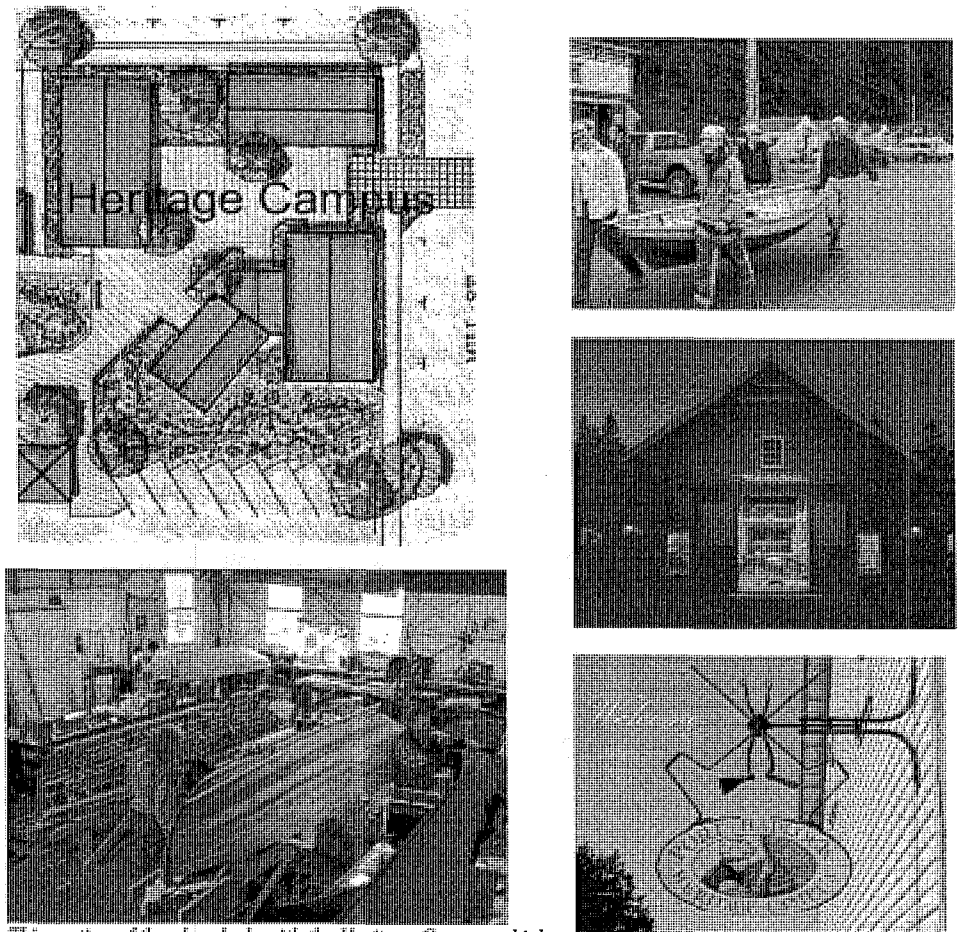
The preliminary cost estimate of the site work for the lower portion is $1.1 million, or $1.26 million with a 15% contingency. Recovery of this cost may be possible through a Local Improvement District or Advanced Financing District established on the property. Site development costs are approximately $12-$14 per square foot, well in excess of typical costs and potentially too high for full recovery. The system envisioned would allow for more intensive site development, as stormwater is managed beneath the boardwalk system, which may allow for a higher level of cost recovery.

The geo-tech analysis indicates that future development on the lower site would require a pile foundation system. The engineers estimate that roughly 90 piles would be needed for a 10,000 sqft building, with an average cost per pile of $2,100. This would reflect an overall foundation

cost of $189,000, or $18.90 per sqft. As site costs are relatively high for this site, the associated value of the property would be lower. The bioswale stormwater management plan for the site would likely reduce costs, by taking advantage of the pile foundation system to address on-site as well as off-site stormwater issues.

Heritage Campus: Local History and Hands-On Learning
2 workshops @ 1,800 sqft ea
Admin/classroom/meeting: 2,800 sqft

For this portion of the Hollering Place site, the project team recommends the creation of a Heritage Campus where students of all ages would participate in experiential learning, such as building wooden boats (with other complementary classes added later).



This section of the plan deals with the Heritage Campus which would include space for workshops, classrooms and administration.

The design concept for a Heritage Campus would include attractive, wooden framed buildings for workshops, classrooms and office needs. The campus would be located near the intersection of Mill Street and Newmark Avenue.

When the idea of a Heritage Campus, with a boat building component, was first presented for the Hollering Place site, the community was very enthusiastic. Since then, interest and support for the idea has grown.

Tom Greaves, who lives in the historic ship-captain's house adjacent to the Hollering Place site, had a family connection to the Center for Wooden Boats (CWB) in Seattle. The director, Dick Wagner, was contacted by a member of the project team and interviewed. He and his wife began

www.cwb.org

These photos were taken at Seattle's Center for Wooden Boats. They show, from top left: retail check-out and information center; view from the upper floor classroom; inside a boat building workshop; classroom; construction of a Native American cedar canoe; and a recently finished project.

this non-profit twenty-five years ago and had a lot of good advice and feedback for such an endeavor in Coos Bay. His program has grown and now offers a wide range of programs for pre-schoolers thru adults. The CWB has between 400-500 adults who go through a 7-10 day boat building program each year. At the end of the class, they will each have a boat near enough completion to launch. The CWB also works very closely with the schools and have about 2,000 kids who participate in their various programs each year. By in large, the CWB uses local instructors and students pay a class fee that covers the instructor's time, materials and program overhead. They also have an endowment for scholarships to people of limited means. For CWB, volunteers have been, and continue to be, a key to their success.

Dick knew of the long history of boat and ship building in the Coos Bay area and was very supportive of the idea to create a Heritage Boat Building Center at the Hollering Place. He is more than willing to help out as a consultant to help get a project like this started in Coos Bay. It was proposed that a logical next step would be to hold a summit in Coos Bay/Empire where potential partners would be brought together to hear a presentation by Dick about the CWB program. A facilitated conversation should take place following the presentation to gauge interest, explore potential partnerships and determine next steps.

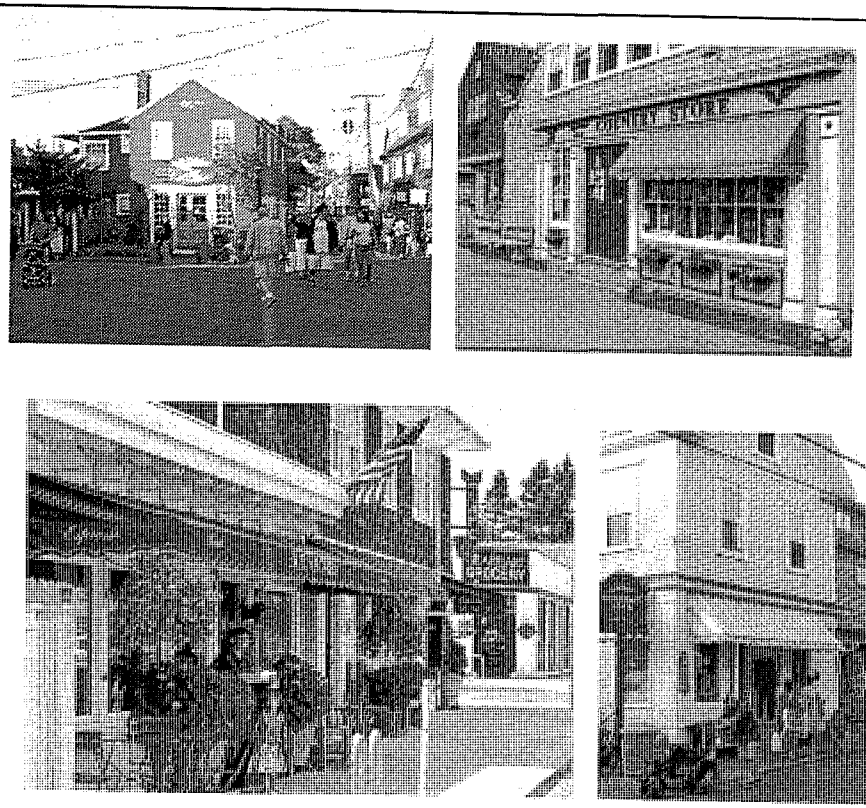
In the realm of development feasibility, the Heritage Campus component would be highly tenant-dependent and, independently, would unlikely be a major income generator. From a private perspective, the primary benefit of the campus would be in branding the development, increasing awareness of the area as well as providing for activity that may fuel demand. If this program element does not prove viable, the area could be developed consistent with the remainder of the site with a mix of cottages and retail space.

The project would likely e developed on a build-to-suit basis, and either leased or sold to the operator. As improvements would be for a specialized tenant with limited re-use potential, a developer would likely prefer an outright sale, or a lease that amortized the improvements over the duration. The design envisioned has the potential for commercial

conversion, which may provide the greater interest as a leasehold.

Cottage / Retail Clusters
10 units, 2.5 floors, ground floor retail/workshops: 880 sqft ea, residential cottage w/loft: 860 sqft ea

Mixed use retail, with cottages above, are part of the develop program recommended for the lower area of the site. This scheme affords a flexible approach to development, with easy phasing and construction, and it offers flexibility in use with the ground floor units having the ability to be retail or workshops that are complementary to the Heritage Campus and Restaurant/Inn (discussed ahead).
The Hollering Place site offers a challenging retail environment, and will need to develop enough scale to generate the retail traffic needed to support commercial development.



These photos show examples of the how the cottage/commercial units could look and in the larger context how the pieces could work together in the top, left photo. Note the village feel that is created through the buildings' design, scale, massing, connection to public space and relationships to each other.

The master plan has been created with the ability to phase development and this is one reason that it is appealing and financially workable.

The cottages should be able to capitalize on the views and they are expected to be economically viable in early stages of the development. The viability of the retail component will be more challenging until the overall development program is in place.

Dockside Retail

Retail pavilion: 400 sqft

There is great interest in rebuilding at least of portion of the dock on the Hollering Place property and in promoting more water-related activities. In response, the team proposes a small retail outlet adjacent to bayfront. It could be used to rent crab rings, wind surfboards, etc.

COTTAGES
FOR-SALE RESIDENTIAL
OVER RETAIL
SUMMARY INFORMATION
November 3, 2008

AREA SUMMARY:	
Parcel Size (SF)	10,000
Building Size (SF)	6,960
Residential Units	4
Density (Units/ Acre)	17.42

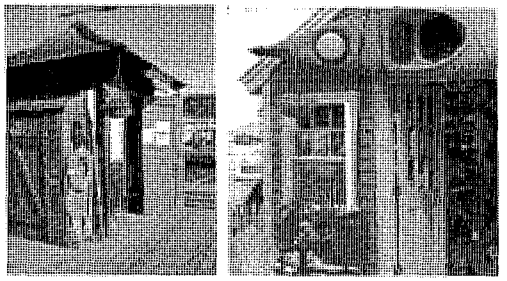
INCOME SUMMARY:	Total SF	Average Price/ SF	Gross/ Net Income
Residential Units	3,440	$250.00	$860,000
Less Commissions		5.0%	$817,000
Retail Space	3,520	$16.00	$56,320

COST SUMMARY:	Per SF		Total
Acquisition Cost	$0.00		$0
Direct Construction Cost	$129.59		$901,960
Soft Costs	$31.10		$216,470
TOTAL	$160.69		**$1,118,430**

CONSTRUCTION LOAN ASSUMPTIONS:	
Construction Loan Amount	**$1,125,797**
Interest Rate	7.00%
Term (months)	18
Drawdown Factor	0.52
Construction Interest	**$57,907**
Construction Loan Fee (%)	1.00%
Construction Loan Fee ($)	**$11,258**

MEASURES OF RETURN:	
Indicated Value @ Stablization	$1,830,940
Value/ Cost	164%
Return on Sales (ROS)	47.8%
Return on Cost (Retail Space)	10.0%

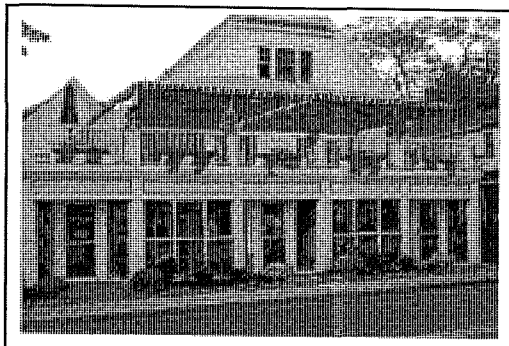
ESTIMATION OF VIABILITY GAP	
Targeted Return on Sales	20.0%
Calculated ROS	47.8%
Targeted Return on Cost	10.0%
Calculated Return on Cost	10.0%
Calculated Gap- (excludes parking)	($98,370)
Overall Gap as % of Development Cost	-8.8%
Residual Land Value:	**$98,370**

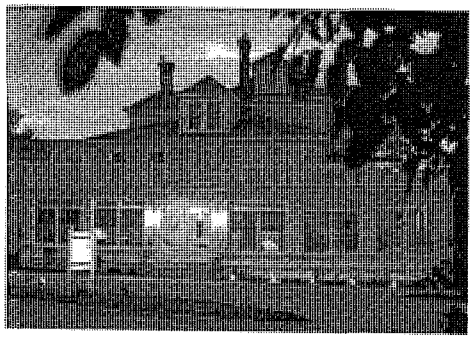


Nice examples of dockside retail.

Bayside Inn & Restaurant
3 floors, approximately 20,000 sqft
Restaurant & lobby: 1st floor
Rooms: upper floors; with 3rd floor rooms incorporated into pitched roofline.

The site's waterfront location is considered to be highly conducive to the development of a restaurant tenant, which the master plan has included as part of a small inn. There is potential in the area to develop more of a boutique hotel, leveraging off of the water frontage as well as the larger development program at the Hollering Place site. The hotel was programmed as limited in size, reflecting the boutique concept as well as the desire of the community to keep the scale of the development somewhat limited. Development of a hotel is often complicated, and would represent a higher risk component of the program - - but potentially a lucrative one. From a phasing perspective, it is anticipated that the restaurant/inn component would require some of the amenities of the remainder of the program to be in place prior to its construction. While the restaurant would be a required program element for the inn, it would also require support from the greater community on order to be successful. The success of restaurants is a function of the strength of the operator and concept, as well as underlying demographics.





These are examples of small inns and restaurants that would play up the waterfront view. In scale and design, they would be the right 'fit' for the Hollering Place bayfront.

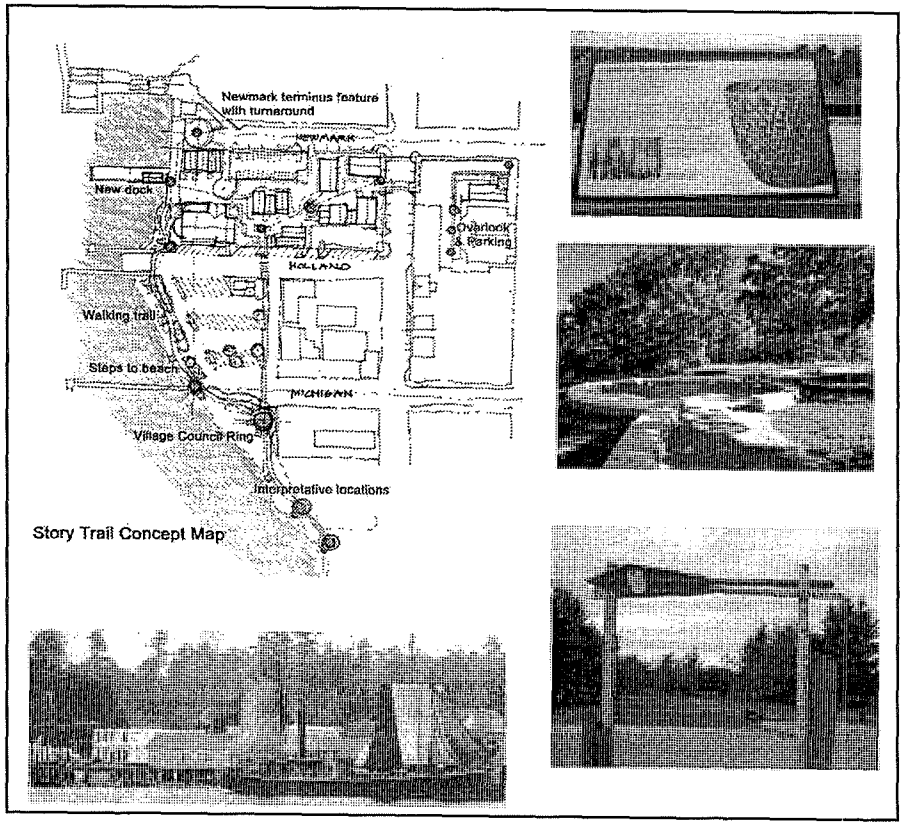
A pro forma for the inn/restaurant component of the project, as there is a considerable level of variability in these types of development, depending upon market positioning and final programming. We would expect that a waterfront location such as that shown in the master plan would be capable of supporting land values in excess of $30 per square foot, which would allow for recovery of the pile costs ($18 psf) as well as much of the site work ($15 psf). The value of the site for this type of development would be highly dependent upon the quality of the adjacent development and the surrounding built environment.

It is expected the inn/restaurant, retail/cottage clusters and Mill St. Cottages to provide the primary opportunities for return.

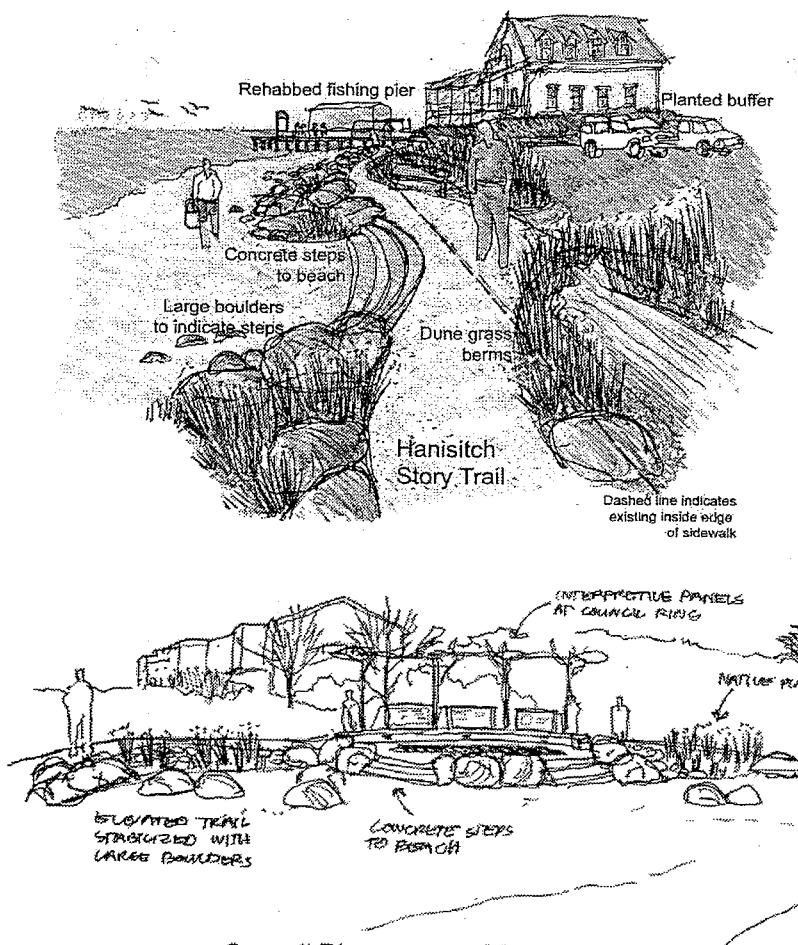
The Story Trail

From the bluff to the end of the trail at the waterfront, this pathway is about ¼ mile long.

One of the key themes of this project is the unique history of the Hollering Place and one of the key



components of the plan is the interpretation of that story through a 'Story Trail'. Rather than depending on a single interpretative panel at the overlook, the concept of the Story Trail is to encourage people to learn about the Hollering Place, and its history, by moving through the site and encountering different interpretative points of interest along the way. From the overlook, the visitor would be 'invited' to follow the Story Trail down the hill and into the boardwalk development. Interpretative 'stations' would help move visitors through the site. Along the bayfront, the Story Trail would begin with a terminus feature at the Newmark turnaround and continue along the waterfront trail, south, where it would transition into a more natural habitat and could include a



Council Ring as part of Story Trail

village council ring to symbolize the original *Hanisitch* village.

The Story Trail component on the lower site would range in cost between $110,000 and $126,000. It would need to be publicly funded and could be a good candidate for grants.

Reconnecting to the Water

One aspect of the Story Trail is to rework the sidewalk that is adjacent to the existing boat launch parking lot and create a more natural habitat with connections to the water. Creating planted berms and bioswales between the parking lot and beach will help hold and filter parking lot runoff and create a more attractive environment for a walking path. Currently, there is no safe way to access the beach and this is something that visitors want to do. Between the boat ramp and crabbing dock, five sets of steps are proposed. They would be built to withstand the winter storm surge and would include large boulders at each end of the steps to make it easy for visitors to find them. This area, or one a little further to the south, could also serve as a launch site for sailboarders. The community is also very interested in reconstructing the existing dock that is now in ruins. This deepwater dock was 320' long and 50' wide and rebuilding it to its original size would prove to be prohibitively expensive. A more realistic solution might be to reduce its width by half, to 25', and rebuild it in phases; with the first phase going out to 150' feet and the next phase going out to the end of the original dock (but making the 'cross section' much smaller). There is great interest in bringing in large wooden ships and schooners and rebuilding the dock is one sure way to help make this endeavor successful. Having an active dock would also be very complementary with the boat building school.

READYING THE SITE, DEVELOPMENT PHASING, NEXT STEPS &POTENTIAL PARTNERS

The master plan for the Hollering Place anticipates a range of uses: commercial, residential, overnight lodging, and educational. The plan is designed to allow for phased development of the site, within the constraints of an overall development program. It should be understood that firms or individuals evaluating the development potential of the Hollering Place site are likely to suggest changes in the proposed program. The intent of this master plan is to provide guidelines for development, not to control all aspects of potential development. Flexibility is a key attribute of all successful master plans, and it is expected that the developers of individual components will want to vary the program to some extent. Market conditions can change rapidly, and firms doing due diligence on individual components will likely develop more refined programs.

READYING THE SITE FOR DEVELOPMENT

The successful redevelopment of a site like the Hollering Place not only has much to do with selecting the right master developer with the right 'game plan', the site, itself, must be ready to go. As it stands now, the Hollering Place site needs to go through several processes and steps in order to be 'shovel ready'. The project team recommends the following tasks be implemented. Numbers 1 and 1a should be completed prior to the selection of a master developer; with following steps being coordinated with the developer.

Steps Needed to Ready the Hollering Place Site for Development
1. Creation of an Advanced Financing District or similar mechanism* to help pay for common improvements
1a. Entitlement Work*: ▪ Update Comp Plan ▪ Update Zoning ▪ Design Standards
2. Developer RFP & Selection
3. Permitting: ▪ City ▪ Army Corps ▪ Depart. of State Lands ▪ F.E.M.A. (County)
4. Platting of lower bench
* can be done simultaneously

Hollering Place Project Phasing & Financing Roles				
Project Category	Financing Sources			
	Private	Public	Local Financing District	Grant
1. Select Master Developer		●		
2. Empire Blvd. Overlook	●	●		●
3. ROW Site Work on Lower Bench		●	●	
4. Mill Street Cottages (could occur with wayside construction)	●			
5. Site Work on Lower Bench Development Site	●		●	●
6. Development of Lower Bench (phasing example follows)				
• Heritage Campus	●	●		●
• Retail/Cottage Units	●			
• Restaurant/Inn	●			
7. Dock		●		●

PHASING THE DEVELOPMENT PROGRAM

The Hollering Place development program could be phased as follows:

- **RFP Process and Selection of Master Developer:** Development opportunity sites are often marketed using a Request for Proposal (RFP) approach. Under this approach, a site is made, available for public bid from developers, typically with a documented expectation with respect to an acceptable and/or desired development program, as well as other performance criteria. The format of these RFPs can vary substantively, but should at a minimum contain program direction and public resources available. The master plan should be made available, as well as all

legal descriptions and technical studies.

A number of issues should be dealt with prior to publicly marketing the Hollering Place site. These largely relate to developing a firm understanding of what the Urban Renewal Agency is willing to accept in terms of program and performance guidelines, as well as rating criteria to evaluate potential responses. The focus of background work will be to establish answers to likely questions, such as the geo-technical characteristics of the site, sewer/water lines, and wetland/floodplain designations. The site's zoning should also be changed to allow for the designated uses envisioned in the master plan (see next chapter: Land Use, Site Design & Building Typologies).

Under current market conditions, the timing for release of a development RFP may be unusually bad. Few developers are looking for new projects at this point in time, with the credit markets tight, tenants cautious and homebuyers on the sidelines. An offering in this market may generate very little enthusiasm or response.

The site's potential for phased development is supportive of entertaining proposals for the development of individual components of the program. This could be done deal by deal, or facilitated through the use of a master developer. If the development is done in a piecemeal fashion, the impact of individual portions on the overall master plan and proximate sites must be prioritized. The preference is to follow the master developer approach. The Urban Renewal Agency could serve that function, but is a time intensive process.

- **Empire Boulevard Overlook.** This development component is considered an important initial phase and would incorporate pubic/private partnerships in its implementation, including the cut back of the slope and construction of the retaining walls, parking lot, bioswale, building and interpretative overlook. The upper portion of the site should be prioritized from a logistics perspective, as the construction of

the roadway would be highly detrimental to any development on the lower portion of the site.

- **Site Work: Lower Bench ROW:** the next phase of work includes all improvements to the Right of Way, including sewer and water, streets, parking and lighting.

- **Mill Street Cottages:** The development of these stand-alone cottages could occur fairly early in the development process and could be coordinated with the overlook retaining wall.

- **Site Work: Lower Bench Development Site:** Prior to development, infrastructure improvements and creation of the bioswale system would need to be completed prior to any development of the lower bench of the site, with the boardwalk system able to be phased as needed. This portion of the work would also include the reconstruction of the sea wall and creation of the Story Trail along the waterfront.

- **Heritage Campus.** The campus could be developed privately or publicly, and leased to a qualified tenant to operate. From a private perspective, the primary benefit of the campus would be in branding the development, increasing awareness of the area as well as providing for activity that may fuel demand. If this program element does not prove viable, the area could be developed consistent with the remainder of the site with a mix of cottages and retail space.

- **Cottage / Retail Clusters.** The cottages should be able to capitalize on the view and it is expected these would be economically viable early in the stages of development. With the retail component, it will be challenging until there is enough scale and development to support a commercial component.

- **Restaurant / Inn.** From a phasing perspective, it is anticipated that the restaurant/inn component would require some of the amenities of the remainder of the development program to be in place before it is built. This likely would be the final phase of the

Hollering Place build out (besides the reconstructed dock).

NEXT STEPS FOR THE URBAN RENEWAL AGENCY

With a multi-faceted project like the Hollering Place, it is sometimes difficult to know where to begin. Following are suggested next steps for the Urban Renewal Agency to pursue:

- Developer Selection – The URA will need to solicit developer interest for the site and the master plan. This is often done using a request for qualifications or request for proposal process, through advertisements supplemented with invitations to submit. The URA may want to select a master developer for the site, who can oversee the development process even if they don't personally develop every component.

- Overlook Funding – The initial phase of the Hollering Place development will likely be the overlook and parking. As this is not an income generating portion of the site, the funding will need to be provided from public or institutional sources.

- Grants should be pursued in all cases as a potential funding mechanism, particularly for the overlook interpretive area, shorefront improvements and Story Trail.

- Site Work, Lower Bench – The stormwater system envisioned on the lower bench will need to be engineered and estimated. The system will not be easily phased, and should probably be put in place prior to development of individual parcels on the site.

- Local Financing District – As the site work will need to be done for all phases of the lower bench up front, a funding mechanism will be necessary to pay for these improvements with reimbursement received as individual parcels are developed. A financing mechanism such as an Advanced Funding District or Local Improvement District would allow for this sequencing.

- Entitlements – The City will need to change the entitlements on the site to allow for the development of the master plan.

- Partioning – The site will likely need to be partitioned into a series of legal lots that allow for separate financing of individual components of the development. We would suggest that this be done when a master developer is in place and able to provide input as to the optimal parcels.

Assuming that the overlook improvements are made in an initial phase, followed closely by the infrastructure and financing district improvements on the lower bench, the cash flow for the project will likely entail a significant upfront investments followed by recovery of the financing district investments over the next several years and an ongoing stream of tax increment revenue associated with the development program. While the overlook improvements will not generate the lion's share of returns, they are critically important and will complement the lower bench development - - which will likely produce a decent return to the URA, covering the cost of infrastructure provision and the bio swale system.

POTENTIAL PUBLIC PARTNERSHIPS

The Hollering Place Master Plan has outlined innovative ways to manage stormwater runoff, restore native plant habitat and help minimize sedimentation flowing into the by the use of bioswales and native wetland plant communities. There may be assistance (technical assistance or funding) though one, or more, of the following agencies/organizations to help put this component of the plan into place. They include:

- US Environmental Protection Agency – Salem office/ Wetlands/ Coastal Waters
- Coos and Coquille Tribes
- US Army Corps of Engineers / Salem office
- Oregon Department of Fish and Wildlife
- US Department of Agriculture's Soil Conservation Service
- US Bureau of Land Management / Riparian Wetlands Initiative
- Oregon Department of State Lands
- Oregon Department of Ecology
- South Slough Estuarine Reserve (Charleston)
- Ocean and Coastal Resource Management (Part of NOAA)

LAND USE, SITE DESIGN & BUILDING TYPOLOGIES

LAND USE

The existing zoning on the Hollering Place site does not fit its future use as outlined in the master plan. Currently, the bluff is zoned General Commercial and the portion of the lower site that is above the high water line is zoned Urban Water Dependent and the portion of the site below the high water line is zoned Development Aquatic. Changes these zoning designations will not an easy task. However, the City has 30 acres available to remove from these zoning designations and has already gone through the process with the rezoning of the site for the new Maritime Museum on Hwy. 101.

Part of the charge of this project was to review the existing codes and make recommendations for code updates that will support the new master plan. Those recommendations follow.

HOLLERING PLACE MIXED-USE DISTRICT (HPMU)

Section 1. INTENT

The HPMU district is included in the zoning regulations to achieve the following City objectives:

1. To create a public activity area on the waterfront that serves residents and visitors.
2. To complement surrounding properties and connect with the existing business district.
3. To provide and active mix of public, commercial, residential, and institutional uses.

NOTE: This district is intended to replace the existing C-2 and W-1 zoning on the property.

Section 2. PERMITTED USES

The following uses are permitted in the HPMU zoning district:

1. Residential Use Types

Accessory building
Accessory apartment
Cluster development (see Chapter 4.3)
Group residential
Single-family dwelling (individual or combined with other dwellings on the same lot)
Multiple-family dwelling
Planned unit development (see Chapter 4.6)
Zero-lot line development (see Chapter 3.5)

Residential uses may be located in the same building with the civic or commercial use types listed in this section.

2. Civic Use Types

Administrative service
Community recreation
Education 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 permitted

3. Commercial Use Types

Child care facility
Convenience sales and personal service
Dining establishment: Sit-down
Drinking establishment
Food and beverage retail sales
Home occupation, retail sales on the premises (see Chapter 4.4)
Personal service, general
Professional and administrative service
Retail sales, general – except adult book store
Tourist habitation: Lodging and bed and breakfast

Section 3. CONDITIONAL USES

Any of the civic or commercial use types listed in Section 2, which are proposed to exceed 30,000 square feet in gross floor area, shall be permitted in the HPMU district if authorized in accordance with the provisions of Chapter 5.13.

Section 4. EXPRESSLY PROHIBITED

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

1. Those uses expressly prohibited in the Central Commercial District (see Chapter 2.8, Section 4).
2. Any use that includes outdoor storage of equipment, vehicles, or material.

Section 5. PROPERTY DEVELOPMENT REQUIREMENTS

The following property development requirements shall apply to all land and structures in the HPMU district in addition to applicable standards of Chapter 3:

1. Lot Standards: No requirements.
2. Building Coverage: No requirements.
3. Building Height: No restrictions other than those imposed by the Building Code.
4. Yards: No requirements other than those imposed by the Building Code.

5. Landscaping and Screening:
   A. All heating and air conditioning equipment shall be appropriately screened from public view.
   B. All storage and trash areas must be enclosed and screened from public view.
   C. All parking areas shall be landscaped in conformity with the Off-Street Parking section.

6. Parking: The minimum parking standard for single-family, duplex, multi-family, and group residential uses in Chapter 3.15, Table 7, may be reduced to one parking space per dwelling.

Section 6. DESIGN GUIDELINES

All development in the HPMU district shall be consistent with the Hollering Place Site and Design Guidelines.

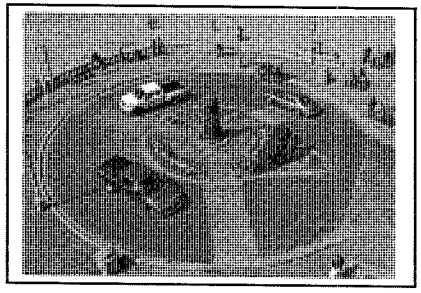
SITE DESIGN, CIRCULATION & THE PUBLIC REALM

OVERVIEW

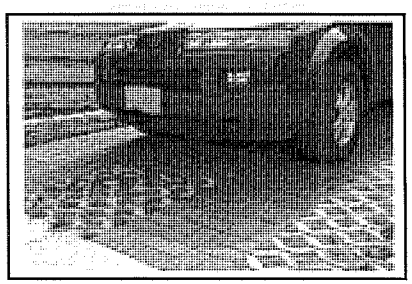
Site design responds to environmental, cultural, and historic site features by taking advantage of existing view corridors, land use patterns, landforms, prevailing winds, and water related activities. Long-term sustainable practices should be a focus, including marine resource protection; balanced on-site cut / fill; bioswale stormwater management; native plant communities; and habitat enhancement. A primary goal should be to reveal the hidden estuarine environment and to strengthen the visual and physical connections to and from the Empire District.

VEHICLE CIRCULATION

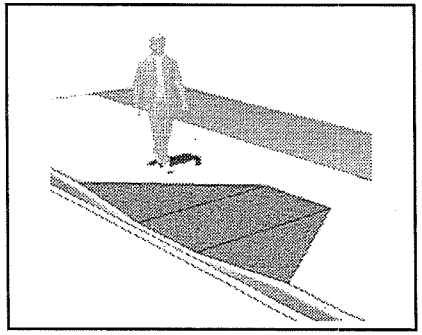
The existing street patterns, access points, and rights-of-way off of Empire Boulevard should remain. The primary entry point to the lower development will be from Newmark Avenue with a secondary access along Mill Street off of Michigan Avenue. Existing access to the boat ramp and parking lot should remain. Access to existing businesses and uses will remain, but will be modified to support on-street parking. A vehicle turn-around for the terminus of Newmark Avenue will be developed. Due to the limited 60' ROW, access will be limited automobiles and small trucks.



PARKING
Parallel street parking to support retail businesses and recreational opportunities is recommended along lower Newmark Avenue and Mill Street. Typical parallel parking spaces should be 8'-0" x 22'-0". Wayside visitor parking to be located to the south of the building and visually screened from Empire Boulevard with low growing (30"-36" ht.) evergreen plant material. Typical 90 degree parking dimensions should be 9'-0" x 18'-0" with 24'-0" (min.) drive aisles. Interior angled parking stalls shall be 9'-0" x 18'-0", comprised of permeable concrete pavers, and located along one way 18'-0" wide loop drives. All storm water runoff should be directed to the bioswales to minimize downstream sedimentation and maximize runoff filtration prior to entering the Coos River. All parking areas should be supported by clear directional signage, adequate lighting, landscape buffers, and permanent wheel stops or curbs.

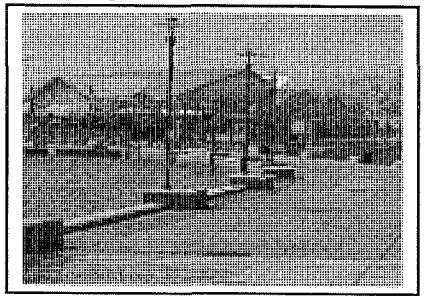


PEDESTRIAN CIRCULATION
Clear and strong pedestrian connectivity and continuity should be provided throughout the project with clear cross walks, curb cuts that meet code, and adequate lighting. Perimeter sidewalks should be concrete, with consistent tooled joints, a medium broom finish, and be a minimum of 6'-0" wide. Cross pitch all walks 2% to surface drainage swales. All concrete needing replacement should be saw cut to the nearest even joint and made to match as closely as possible to existing conditions. J ·



INTERIOR CIRCULATION
The walkway connecting the buildings on the lower bench should be a continuous pressure treated timber boardwalk built flush to perimeter building finish floors and street grades. All support joists and beams should be

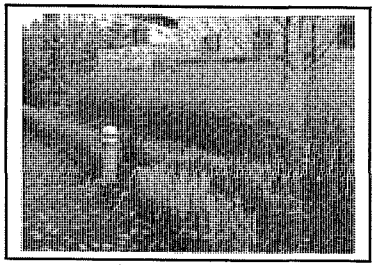
marine grade treated lumber. Footings should be concrete piers or grade beams set on a compacted rock sub-base. All fasteners should be stainless steel or hot dipped galvanized metal. Countersink all exposed bolt heads in walk surfaces. Provide a raised 2 x 6 kick curb at board walk edge. The boardwalk should not to exceed 18" height above finished grade, except where it crosses the bioswale. Highly efficient, low level LED lighting should be provided along boardwalk edges at approximately 20'-25' on-center spacing.



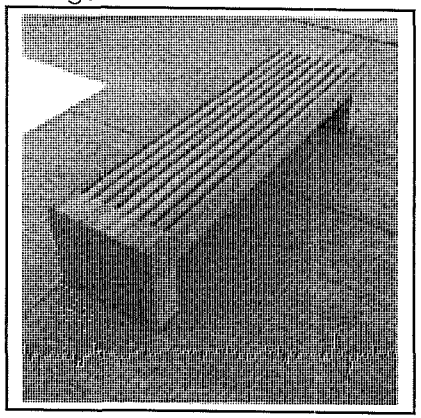
SITE DESIGN ELEMENTS

Provide high quality site furnishings suitable for coastal environments with long life and low maintenance. Incorporate the assistance of local artists or craftsman for key site features.

- Bollards: Stainless steel or galvanized steel, 30"-36" tall, surface mounted, 120v LED luminaires with prismatic high impact polycarbonate lenses with light shields.



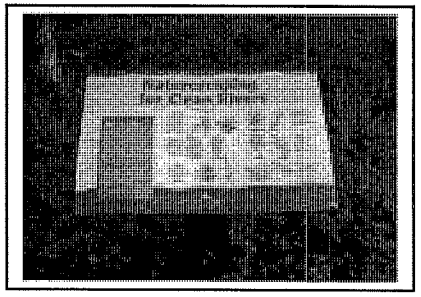
- Street Lighting: 14' ht. aluminum poles with acorn LED luminaires and banner arms to match existing lights on Newmark Street.
- Benches: FSC certified redwood or oak, 72" length, wood slats with steel anchor rods, surface mount. Or, custom cast concrete with embedded interpretive panels or nature themed sandblasted images.



- Railing: ½" stainless steel cable with brushed steel posts and flat

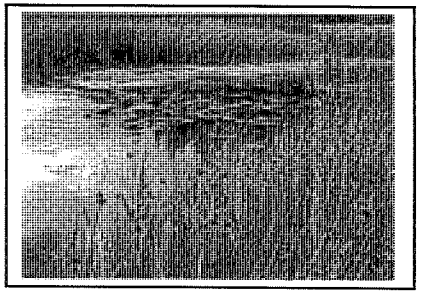
top rails. Surface mount to boardwalk along sea wall.

- Interpretive panels: Embedded polycarbonate graphic panels or gell coated GRP panels encapsulated in melamine mounted on stone or concrete plinths, or anodized aluminum frames. Themes to celebrate early Hanisitch settlements and stories; early settlers and industries; estuary and wildlife themes, etc.



LANDSCAPE

The coastal landscape displays a great variety of vegetation types from



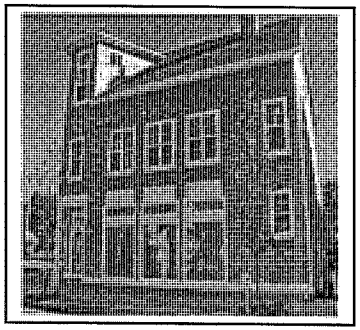
wet marshes to upland hardwood forests and headlands. Select native plants acclimated to the local climate as much as possible. However, commercial or ornamental plants, such as summer flowering perennials (lavendar, daylily, sedum and heather) can be considered for the Empire Boulevard Wayside area. The overall strategy should utilize a mix of deciduous and evergreen trees, shrubs, groundcovers and grasses to frame building entrances, screen parking lots, line bioswale channels, and restore lost habitat. In wet sites, plant native sedges, rushes, and grasses in naturalized drifts between rip-rap and bioswale boulders. Tree selections for upland areas should include sitka spruce, red alder, beach pine, and douglas Fir. Large trees must be carefully sited so as not to block views. Upland shrub communities should include salal, red osier dogwood, douglas spirea, beach willow, evergreen huckleberry and kinnikinnick.

BUILDING TYPOLOGIES

Coos Bay Hollering Place Building Typology Design Guidelines

(Note: the following gives an overview of building typologies for specific components of the master plan. The full Design Guidelines are contained in a separate document.)

The desired architectural character of the Hollering Place project is that of vernacular maritime or fishing villages. Examples of this include the many seaside villages and destinations in New England, such as Nantucket and some of the small towns on the Oregon Coast, such as Cannon Beach and Gearheart. These qualities shall be expressed through: building articulation, scale and proportions, setbacks, architectural style, roof forms, building details and fenestration patterns, or materials.



EMPIRE BLVD OVERLOOK

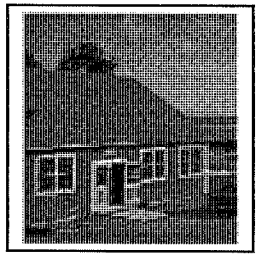
Purpose:
To be a landmark building on the bluff and serve as attractor for the activities on the lower portion of the site without compromising views of the bay from Newmark Avenue and Empire Boulevard. A two-story slender tower element, which could function as a visitor overlook, is recommended to enhance visibility when approaching from Newmark Avenue.

Use:
Retail/Civic

Orientation:
Retail uses should open onto Empire Boulevard with functional doors and display windows, canopies/awnings, recessed entrance doors, and attractive signage at an appropriate scale to the building.

Building Height:
Main building: 1 story
Tower: 2 stories

Parking:
Parking is to be located to the south side of the building. Parking between the front of the building and Empire Boulevard and between the north side of the building and Newmark Avenue is prohibited.



HERITAGE CAMPUS

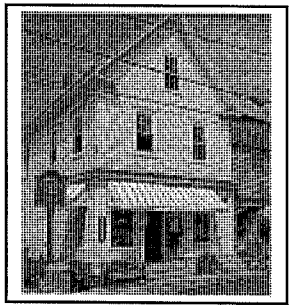
Purpose:
To be used primarily for educational purposes such as a wooden boat building or glass-blowing school. A family of buildings grouped around a publicly accessible courtyard including workshops, studios, classrooms, administrative space, and a possible retail space.

Use:
Institutional/Retail

Orientation:
Building entrances may be oriented to a publicly accessible courtyard. Street facing facades should have ample windows of a scale consistent with the size and function of the buildings. All entries should include metal or wood canopies complementary to the building scale and architecture.

Height:
1 story w/ possible mezzanine

Parking:
Parking is to be located to the rear or side of the buildings.



RETAIL COTTAGES

Purpose:
A ground floor retail or workshop space with a loft-style residential unit above.

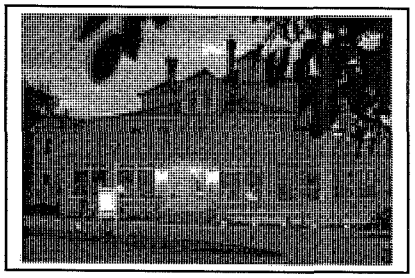
Retail Cottages Use:
Mixed-Use – residential over retail
Exception: Some units may not be conductive for retail workshop space on the ground floor and may be residential-only.

Orientation:
Cottages should be grouped in attached groups of 2 to 4 like duplexes or townhouses with varying setbacks to provide visual interest while mitigating size and bulk. Upper level residential units can be accessed from the rear with common entries for multiple units. Residential units above can be set back from the ground floor retail to provide a balcony overlooking the public space below and the bay beyond. Retail space should open onto primary public circulation spaces, courtyards, or plazas with functional doors and display

windows, canopies/awnings, and attractive signage at an appropriate scale to the building.

Height:
2.5 stories

Parking:
Garage units may be free standing or grouped under one or more of the cottage units. Garage entries are prohibited on the retail frontage side of the units. Cottage units without ground-floor retail can have front-facing garages if no other accessibility option exists, however the garage can be no larger than 50% of the front ground floor façade.



BAYSIDE INN & RESTAURANT

Purpose:
A small inn of approximately 24 rooms with a bayside restaurant and lobby on the first floor and rooms above.

Use:
Hotel/Restaurant

Orientation:
Scaled and articulated to be compatible with other buildings on the site and adjacent historic structures. The appearance is that of a large home rather than a commercial building. The ground floor restaurant will take advantage of bay views with ample glazing and building articulation.

Incorporate residential-style windows, doors, pitched rooflines, dormers, and other appropriate architectural details. Signage should be attractive and minimal on the building

Height:
3 stories. Third floor should be incorporated into the pitched roofline.

Parking:
Parking is to be located to the rear or side of the buildings and shall not be located between the building and the primary pedestrian circulation on the site.

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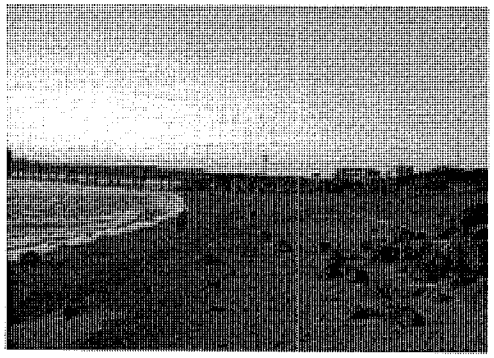
CONCLUSION



The process to develop a supported, feasible and unique master plan for the Hollering Place has resulted in a plan that also includes innovative, eco-solutions for managing stormwater, interpretation of the area's history and a plan to develop a wooden boat building school as part of the programming. Although the process to implement the plan will be complicated and includes tasks to complete before issuing an RFP, the development plan, itself, has been created to include the highest level of flexibility and phasing to make it more palatable to developers.

Above all else, it should be remembered that this master plan is a concept that that a master developer, or individual developers, will likely want to vary. The important thing is that by updating the zoning code, implementing Design Guidelines, using the master plan as a basis, and developing performance criteria within the Request for Proposals, the Urban Renewal Agency has the ultimate say in getting the type and quality of development desired.

It is an exciting time for the Agency as they move to next steps with this project, knowing that there are several goals to achieve:

- Satisfy the public's (community's) needs for a wayside and interpretation of history
- Increase increment within the Empire District

- Capitalize on views and bayfront and recreational opportunities
- Redevelop a prime piece of property within the district
- Serve as a catalyst for other, nearby developments
- Raise the standards for quality development
- Engage the community and visitors through recreational, educational and retail opportunities associated with the site; and
- Help make the Empire District more vital overall.

After years of hoping and planning for what to do with the Hollering Place, now is the time to set this plan into action. There is interest, enthusiasm and a realistic, and detailed, roadmap. There is great interest in moving forward with the idea to create a wooden boatbuilding school (heritage campus) on the Hollering Place Site. Dick Wagner, the director of the Center for Wooden Boats, is interested in working with Coos Bay to get this initiative off the ground. The community, in concert with the Urban Renewal Agency, is poised to move this project successfully forward.

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Division III. General Conditions

Chapter 17.130

GENERAL

Sections:
17.130.010 General regulations.

17.130.010 General regulations.

(1) The development standards and regulations specified by this division apply to all lands, buildings, and development in the city. These standards supplement those set forth for each specific zoning district.

(2) It is the intent of these regulations to provide adequate light, air, and privacy, to promote the general public safety and welfare. [Ord. 93 § 3.1, 1987].

Chapter 17.135

BLOCKS

Sections:
17.135.010 Blocks.

17.135.010 Blocks.

Blocks shall not exceed 600 feet in length, except where the previous block layout adjacent to the proposed development or where topographical conditions justify a variation. [Ord. 344, 2004; Ord. 93 § 3.2, 1987].

Chapter 17.140

LOTS

Sections:

17.140.010 General.
17.140.020 Dimensions.
17.140.030 Street orientation.

17.140.010 General.

In general, a lot shall be a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, width, and area. [Ord. 344, 2004; Ord. 93 § 3.3(1), 1987].

17.140.020 Dimensions.

(1) Residential Lot Size. Lot sizes shall conform to the property development requirements of each district. Corner lots shall be at least five feet more in width than other lots on the same block in order to permit appropriate building setback from the orientation to both streets.

(2) Commercial Lot Size. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and loading facilities required by the type of use contemplated.

(3) Large Lot Development. In developing tracts into large lots which at some future time are likely to be redivided or partitioned, the planning commission may require that the blocks shall be of size and shape, be so divided into lots and contain building site restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

(4) Lots for Utility Substations or Pump Stations. Lot sizes for utility substations and pump stations in any zoning district shall be the minimum necessary to accommodate the use. [Ord. 344, 2004; Ord. 93 § 3.3(2), 1987].

17.140.030 Street orientation.

(1) Lot Lines. All side lot lines shall be at right angles to street lines or radial to curved street lines, unless variation from these requirements is deemed necessary by the planning commission. [Ord. 344, 2004; Ord. 93 § 3.3(3), 1987].

Chapter 17.145

ACCESS MANAGEMENT

Sections:

17.145.010 Intent and purpose.
17.145.020 Legal access.
17.145.030 Access permit required.
17.145.040 Access options.
17.145.050 Access spacing.

17.145.010 Intent and purpose.

The purpose of these access management standards is to ensure safe and efficient access and circulation to the public street system, while preserving the flow of traffic in terms of safety and roadway capacity. These standards attempt to balance the right of reasonable access to private property with the right of all citizens to safe and efficient use of the public roadway system. These standards are designed to reduce traffic accidents, personal injury, and property damage attributable to unsafe access, and thereby improve the safety and operation of the roadway network. The intent is to protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. [Ord. 344, 2004; Ord. 93 § 3.4(1), 1987].

17.145.020 Legal access.

All parcels of land shall have access to a public street or alley. Vehicular access shall be provided to all parcels of land from a dedicated public street or alley and lot frontage for residential uses shall be not less than 30 feet in width, unless otherwise provided. [Ord. 344, 2004; Ord. 93 § 3.4(2), 1987].

17.145.030 Access permit required.

Access to a public street requires an access permit in accordance with the following procedures:

(1) Permits for access to city streets shall be subject to review and approval by the department of community services based on the standards contained in this title. An access permit may be in the form of a letter to the applicant, attached to a land use decision notice as a condition of approval, or included in the building permit review.

(2) Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the city. In that case, the city shall determine whether access is granted based on its adopted standards.

(3) Approval of proposed developments that require an access permit from North Bend/ODOT shall be contingent upon the city/agency issuing an access permit. The city shall impose a condition of approval that requires the developer to obtain an access permit prior to the issuance of building permits.

(4) The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, control or reserve strips, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

(5) An access permit is tied to the specific use, not a specific lot/parcel. A new access permit is required for any change in use or expansion of an existing use in order to determine that the access is safe and appropriate for the proposed use based on the standards contained in this title. [Ord. 344, 2004; Ord. 93 § 3.4(3), 1987].

17.145.040 Access options.

A development shall provide vehicular access according to one of the following methods:

(1) From a public street or alley abutting the subject lot/parcel.

(2) From a driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). An access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the driveway.

(3) Residential Development on Arterial Streets. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes). An on-site turnaround so vehicles are not

required to back out into an arterial street must be provided.

(4) Number of Access Points. For multiple-family, commercial, industrial, and public/institutional developments, the number of access points shall be minimized to protect the function, safety and operation of the street(s). Shared access may be required in order to maintain the required access spacing, and minimize the number of access points.

(5) Shared Driveways. The number of driveways onto public streets shall be minimized by the use of shared driveways with adjoining lots/parcels where feasible. When shared driveways for nonresidential uses are required, an internal access driveway shall be stubbed to adjacent developable lots/parcels to allow for future extension and access to the shared driveway.

(6) Joint and Cross Access. New commercial development shall provide cross-access driveways and pedestrian pathways to allow circulation between sites without having to access the adjacent public street. Cross-access driveways shall be improved and stubbed to adjacent developable lots/parcels to create the opportunity for future extension. As a condition of approval, the landowner shall record an access easement to grant reciprocal access to adjacent lots/parcels.

(7) Fire Access and Parking Area Turnarounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

(8) Reserve Strip. The city may require the developer to establish reserve strips to control access to a street in order to prevent access to abutting property, to assure the proper extension of street patterns, and to assure the orderly development of land lying beyond the street. Control and disposal of the reserve strip shall be placed under the jurisdiction of the city. A reserve strip is a one-foot-wide strip of land contiguous to a road. [Ord. 344, 2004; Ord. 93 § 3.4(4), 1987].

17.145.050 Access spacing.

Street, alley or driveway intersections accessing onto a public street shall be separated from other street, alley, or driveway intersections according to the following (Measurement is made from the inside of curb to inside of curb):

(1) Arterial Streets. The minimum access spacing between access points shall be 500 feet.

(2) Collector Streets. The minimum access spacing between access points shall be 300 feet.

(3) Arterial/Arterial Intersections. The minimum access spacing from the intersection shall be 300 feet.

(4) Arterial/Collector Intersections. The minimum access spacing from the intersection shall be 300 feet.

(5) Collector/Collector Intersections. The minimum access spacing from the intersection shall be 150 feet, if practicable, otherwise 100 feet.

(6) On state highways, ODOT standards supersede city standards.

(7) Existing undeveloped lots or parcels cannot be denied access. The maximum access spacing possible should be provided.

(8) In cases where existing development undergoes an expansion, intensification or change of use, existing developed lots/parcels cannot be denied access to a street where there is an existing access point. The existing access point may be required to relocate in order to comply with access spacing standards or to maximize spacing to the greatest extent possible. A temporary access point may be allowed until an alternate access point, such as a shared driveway, that better meets the standard becomes available. [Ord. 344, 2004; Ord. 93 § 3.4(5), 1987].

Chapter 17.150

YARDS

Sections:

17.150.010 Conventional requirements.
17.150.020 Zero lot line.

17.150.010 Conventional requirements.

(1) Required Yards. All parcels of land shall provide yards as specified in Table 17.150.010, unless otherwise permitted or required by the provisions of each zoning district. These yards shall extend the full width or depth of the lot, and shall be open from ground to sky except as provided under Chapter 17.155 CBMC, Permitted Projections, or under exceptions listed in subsection (2) of this section. The width shall be measured between the property line and the nearest building line, lines, or intersections thereof. One foot shall be added to each required interior side and rear yard for each story or part story above the first story of any building.

Table 17.150.010 – General Yard Requirements

Property Line	Requirements
Interior side	5 feet
Rear or alley frontage*	5 feet
Street frontage	10 feet
Street or alley frontage with vehicular access	10 feet to the habitable portion of the building* 20 feet to the garage or carport**

* In no case shall the vision clearance area be obstructed.

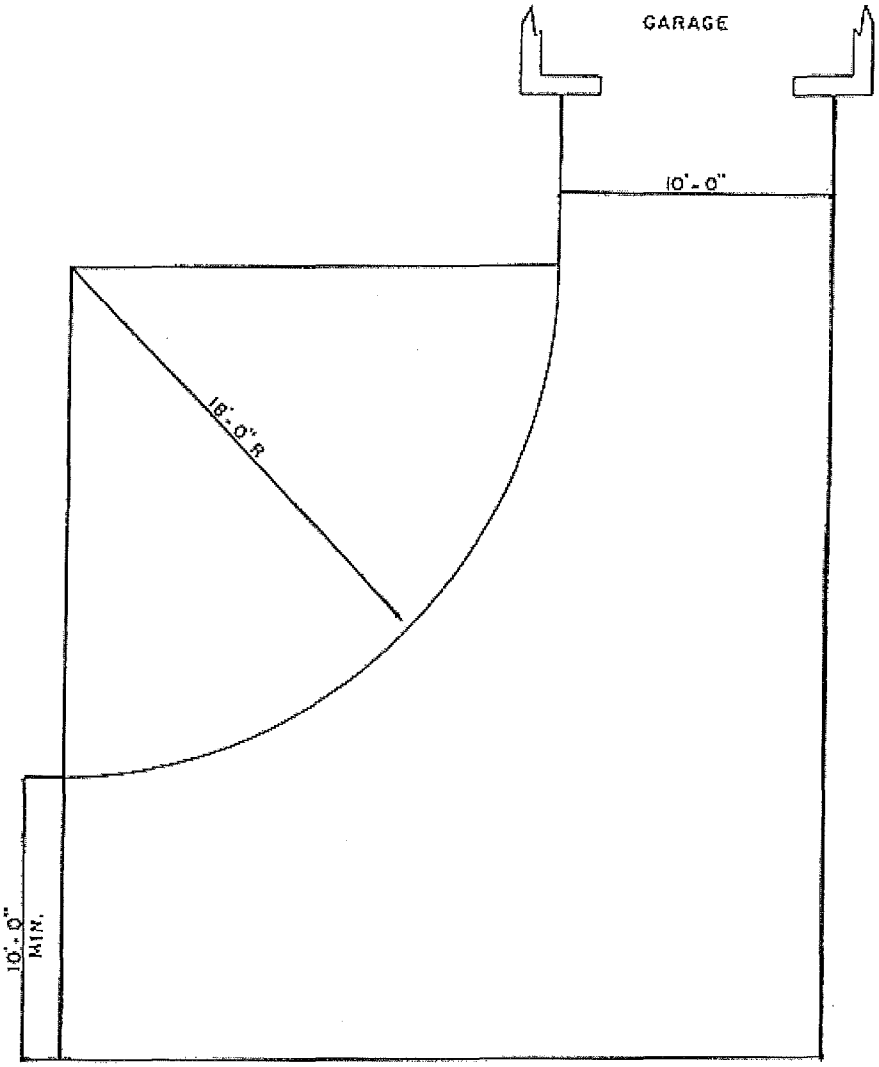
** This part of the setback may be 10 feet from a street or five feet from an alley if the entrance to the garage or carport is perpendicular to the street frontage and all of the required parking can be accommodated on private property. (See Figure 17.150.010 for the suggested entrance turning radius for the garage or carport approach.)

(2) Exceptions.

(a) Front yard setback requirements of this title shall not apply in any residential district where the average depth of front yards of existing dwellings within the same block, within 250 feet from exterior side lot lines of the lot, and fronting on the same street is less than the minimum required front yard. In such cases the front yard requirement on the lot shall not be less than the average existing front yard.

(b) An accessory building less than 120 square feet may be located within any required side or rear yard up to the property line if it is placed at least 20 feet from the front property line and is not more than eight feet in height at its highest point above grade, and is not a visual obstruction at driveways or intersections. An accessory building less than 120 square feet may be located closer than 20 feet to the front property line and less than 10 feet to a flanking street if it is not more than eight feet in height at its highest point above grade and is not a visual obstruction at driveways or street intersections.

Figure 17.150.010 – Minimum Turning Radius for Vehicular Access



[Ord. 93 § 3.5.1, 1987].

17.150.020 Zero lot line.

An alternative to the yard requirements may be permitted upon planning commission approval.

(1) Preapplication. The applicant shall submit a sketch plan to the department of community services and shall discuss the general proposal with staff before filing for any special development permits.

(2) Permits Required. New construction or the replacements, additions, or major improvements of existing development shall be subject to site plan and architectural review.

(3) Standards. The general conditions of the district shall prevail in addition to the special standards listed in this subsection. (See Figure 17.150.020.)

(a) The lot(s) contiguous to the zero setback yard must be under the same ownership at the time of initial construction, or the applicant must produce written evidence that the contiguous property owner consents to this type of construction and is

willing to enter into the required covenant agreement.

(b) The yard setback on the lot contiguous to the zero lot line development must comply with the requirements of the International Building Code.

(c) If dwellings are constructed against both side lot lines, access must be provided along the rear lot lines for public pedestrian or vehicular access to the rear yards and for access by protection service vehicles.

(d) When two dwellings are built against the same zero lot line, no portion of them shall project over any property line.

(e) Property owners of this kind of development and property owners of contiguous property shall sign a covenant agreement with the city which shall be recorded against the lots. The agreement shall provide that:

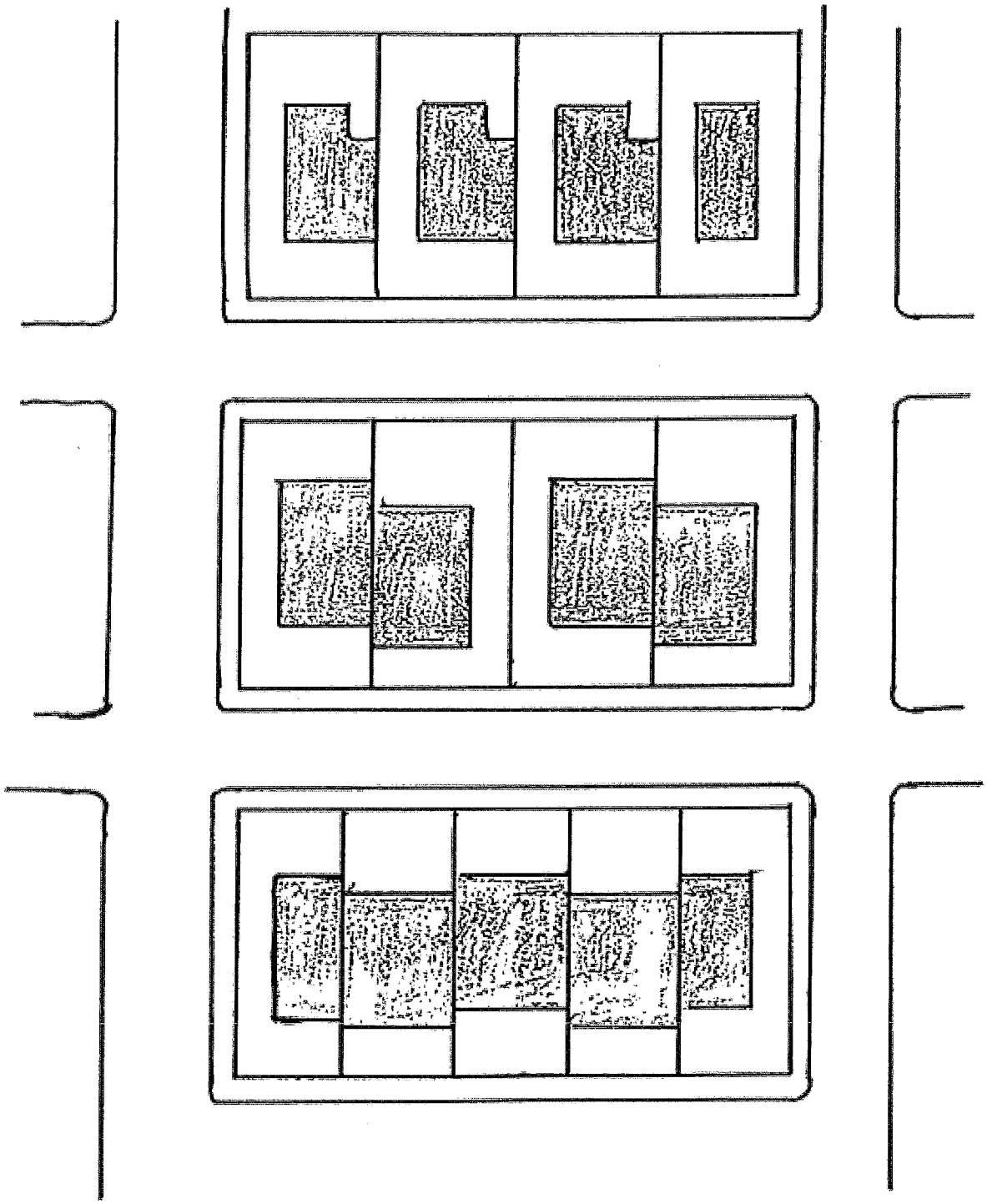
(i) In case of destruction of one or more units, new construction must follow the same concept of construction as previously designed.

(ii) Each owner shall carry fire and liability insurance on their portion of the building with the contiguous owner(s) also listed on the policy.

(iii) Provisions for the maintenance of the zero lot line wall, the roof and any common facilities are included.

(iv) The procedures for the resolution of disputes are specified.

Figure 17.150.020 – Examples of Zero Lot Line Development



[Ord. 93 § 3.5.2, 1987].

Chapter 17.155

PERMITTED PROJECTIONS

Sections:

17.155.010 Permitted projections.

17.155.010 Permitted projections.

Architectural features above the first story which project horizontally into required side and rear yards, and any roof overhang, may only extend to within three feet of the property line. All other architectural features may project into required front, side and rear yards provided they conform to the International Building Code, and they do not interfere with vision clearance requirements. [Ord. 93 § 3.6, 1987].

Chapter 17.160

FENCES AND WALLS

Sections:

17.160.010 General provisions.
17.160.020 Required fences and walls.
17.160.030 Permitted fences and walls.
17.160.040 Restricted fences and walls.

17.160.010 General provisions.

This chapter provides for the regulation of the height and location of fences, hedges, and walls and safeguards the public welfare by preventing visual obstructions at street and highway intersections. Nothing in this section shall set aside or reduce the requirements established for security fencing by either local, state, or federal law, or by safety requirements of any officially recognized public agency. The regulations in this chapter shall apply to all districts unless otherwise specified. [Ord. 93 § 3.7, 1987].

17.160.020 Required fences and walls.

A fence or wall shall be constructed along the perimeter of all areas considered by the council and/or commission to be dangerous to the public health and safety. The height of this wall shall be determined by the council and/or commission in relation to the danger or hazard involved. This fence or wall may be required if a use requires a permit or at the discretion of the council or commission. [Ord. 93 § 3.7.1, 1987].

17.160.030 Permitted fences and walls.

Fences and walls not greater than eight feet in height shall be permitted on or within all property lines which are not within any vision clearance area. For any fence greater than eight feet in height, a setback from the property line of one foot shall be provided for each additional foot or fraction of a foot. [Ord. 93 § 3.7.2, 1987].

17.160.040 Restricted fences and walls.

Fences or walls located in the following areas shall only be allowed subject to approval of a site plan and architectural review (Chapter 17.345 CBMC):

(1) The bayside of Bayshore Drive between Elrod Avenue and Highland Avenue.

(2) The bayside of Bayshore Drive north of Fir Avenue.

(3) The bayside of South Empire Boulevard south of Newmark Avenue.

(4) The bayside of 6th Avenue south of "F" Street. [Ord. 168, 1991; Ord. 93 § 3.7.3, 1987].

Chapter 17.165

VISION CLEARANCE AREA

Sections:

17.165.010 Regulations.

17.165.010 Regulations.

The following regulations shall apply to all intersections of streets, alleys, and private driveways within all residential and professional districts in order to provide adequate visibility for vehicular traffic:

(1) There shall be no visual obstructions over 36 inches in height within the vision clearance area (see Figure 17.165.010). This requirement shall not apply if:

(a) The property subject to the vision clearance area is three or more feet above street grade; or

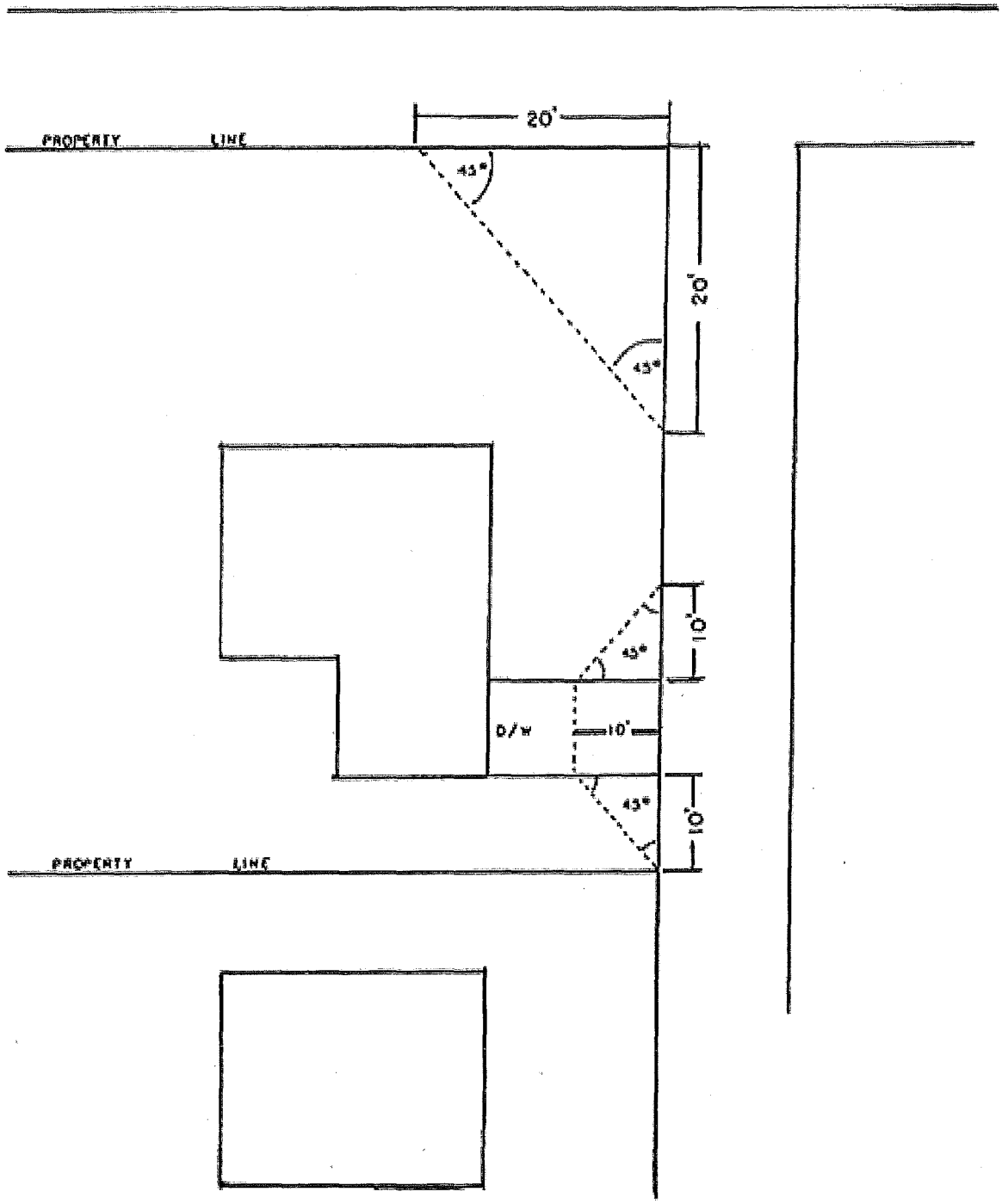
(b) The fence or wall will not impair visibility due to its design or material used.

(2) The vision clearance area at all intersecting and intercepting alleys, streets, or highways shall encompass all land formed by a triangle, one point being the corner of the lot at the intersection and the other two points located a distance of 20 feet from this corner point on the side, front or rear property lines as the case may be.

(3) The vision clearance area on each side of any private driveway intersecting a street or alley shall encompass all land formed by a triangle, one point located where the side of the lot intersects the street or sidewalk, and the other two points located a distance of 10 feet from this point along the driveway, sidewalk, or street as the case may be.

(4) If the above requirements do not provide for adequate visibility because of unusual or irregular lots or intersections, the vision clearance area shall be determined by the public works department.

Figure 17.165.010 – Vision Clearance Area



[Ord. 93 § 3.8, 1987].

Chapter 17.170

UTILITIES AND PUBLIC FACILITIES

Sections:

17.170.010 General provisions.

17.170.010 General provisions.

(1) Where necessary to permit future development of adjoining land, sanitary sewer and water lines, electrical lines, or other utilities shall be extended to the boundary of the development, as determined by the public works department or other appropriate agencies.

(2) Easements for these utilities shall be dedicated wherever necessary. The easements shall be a minimum of 10 feet in width and centered on rear or side lot lines. Easements for water lines are subject to approval by the Coos Bay/North Bend water board.

(3) Unless otherwise provided, all utilities such as power lines, telephone lines, television cables, and the like shall be installed in underground conduits of such design as approved by the public works department. [Ord. 93 § 3.9, 1987].

Chapter 17.175

DRAINAGE FACILITIES

Sections:

17.175.010 General provisions.

17.175.010 General provisions.

(1) If any part of a development is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially with the lines of the watercourse. Other easements for stormwater drainage shall be provided as required by the public works department or other appropriate agency to a minimum width of 10 feet and centered on rear or side lot lines.

(2) Where necessary to permit future development of adjoining land, stormwater drainage lines shall be extended to the boundary of the development, as determined by the public works department. [Ord. 93 § 3.10, 1987].

Chapter 17.180

TRANSPORTATION STANDARDS

Sections:

17.180.010 General.
17.180.020 Transportation impact study (TIS) requirements.
17.180.030 Standards.
17.180.040 Pedestrian access and circulation.
17.180.050 Improvements.

17.180.010 General.

(1) The location, width, and grade of streets, sidewalks, and pedestrian and bicycle pathways shall conform to the Coos Bay transportation system plan. Street and pathway location, width, and grade shall be considered in their relation to existing and planned streets and pathways, to topographical conditions, to public convenience and safety, and to proposed use of the land to be served by the streets.

(2) All streets within or abutting a proposed development shall be designed to handle the amount and kind of traffic generated by the development and shall be improved to the standards contained in this title. All proposed developments must provide paved access from an existing fully improved public street which meets city specifications and is adequate in design to handle the amount and kind of traffic generated by the development. Paved access to private developments may be subject to similar requirements of CBMC 17.200.030(3)(e).

(3) The applicant may be required to dedicate adequate rights-of-way and construct street improvements consistent with functional classification of the adjacent roadway as designated in the Coos Bay transportation system plan.

(4) All state and local roadways within the city of Coos Bay have been classified in the Coos Bay transportation system plan based on their level of importance and function. These classifications serve to identify the applicable standard for individual situations. [Ord. 344, 2004; Ord. 93 § 3.11.1, 1987].

17.180.020 Transportation impact study (TIS) requirements.

(1) Purpose. Each proposed development that is expected to generate 500 or more daily trip ends shall evaluate the transportation system impacts in a transportation impact study (TIS). Such evaluations shall be prepared by a professional transportation engineer and paid for by the applicant. The TIS shall evaluate the access, circulation and other transportation requirements. The scope of a TIS shall be established by the department of community services to address issues related to a specific development proposal.

(2) Projects that generate less than 500 daily trip ends may also be required to provide traffic analysis when, in the opinion of the department of community services, a capacity problem and/or safety concern is caused and/or is adversely impacted by the development. The department of community services shall determine the scope of this special analysis.

(3) Trip ends shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 6th Edition (or subsequent document updates), or trip generation studies of comparable uses prepared by an engineer and approved by the department of community services. "Trip ends" are trips that either begin or end at the proposed land use.

(4) Level of Service (LOS). The level of service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume-to-capacity ratio. City streets shall maintain a LOS of "D" during the p.m. peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector or arterial streets, if alternative signalized access is available and these intersections are found to operate safely.

(5) Mitigation. Where a development causes traffic impacts that bring a road below acceptable levels of service, or impacts a road that is already operating below acceptable levels of service, or impacts a road that has a documented safety problem, the TIS shall identify traffic impacts attributable to the development and appropriate mitigation measures. The developer may be required to implement mitigation measures as a condition of approval.

(6) Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices. [Ord. 344, 2004; Ord. 93 § 3.11.2, 1987].

17.180.030 Standards.

(1) Dimensions. Street and alley dimensions shall conform with the requirements set forth in Table 17.180.030. The department of community services may modify these requirements to satisfy topographical conditions, public convenience and safety, and the relationship to existing streets.

In addition, the department of community services may modify the requirements set forth in Table 17.180.030 if the landowner can: (a) demonstrate the intent of CBMC 17.180.010(1) through (4) is met; and (b) provide written documentation that the proposed street design is approved by the Coos Bay fire chief. The department may refer the request to the planning commission. Any decision of staff may be appealed to the planning commission in accordance with Chapter 17.305 CBMC.

(2) Variances. Where existing conditions, such as the topography, the size or shape of land parcels, or constraints posed by sensitive lands (i.e., wetlands), make it otherwise impractical to meet these minimum standards, then a variance, pursuant to Chapter 17.350 CBMC, may be granted to accept a narrower right-of-way.

(3) Turn Lanes/Medians. Turn lanes and/or center medians are required on major (five-lane) arterials and optional for secondary (three-lane) arterials.

(4) Alignment. As far as practical, all streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

Table 17.180.030 – Street Standards

Type of Street	Minimum Right-of-Way Width	Minimum Paving Width Curb-to-Curb				Sidewalk Curb (b)	Maximum Grade
		Motor Vehicle Travel Lane	Median or Center Turn Lane	On-Street Parking	Bike Lane (a)		
Arterial							
5-lane (c)	100'	12'	14'	–	2 @ 5 – 6'	2 @ 6'	8%
3-lane (c)	80'	12'	14'	–	2 @ 5 – 6'	2 @ 6'	8%
2-lane	50'	12'	–	–	2 @ 5 – 6'	2 @ 6'	8%
Collector	70'	12'	–	2 @ 8'	2 @ 5 – 6'	2 @ 5'	10%
Local							
Residential	50'	10'	–	2 @ 8'	–	2 @ 5'	16%
Commercial/Industrial (c)	60'	12'	–	2 @ 8'	–	2 @ 5'	16%
Dead End (d)	50'	10'	–	2 @ 8'	–	2 @ 5'	16%
Cul-de-Sac (e)	50'	10'	–	(d)	–	1 @ 5' (f)	16% (d)
Alley							
1-way	20'	12'	–	–	–	–	–
2-way	20'	16'	–	–	–	–	–

(a) New construction: six feet; reconstruction: five feet.
(b) Wider sidewalks may be required in commercial areas.
(c) The minimum right-of-way width includes the option of two six-foot-wide landscape strips for arterials or two four-foot-wide strips for local commercial/industrial.
(d) A dead end must be less than 400 feet in length and terminate with a circular or hammerhead turnaround with a max-

imum grade of eight percent.

(e) No parking is permitted at the end of a cul-de-sac which must have adequate space for emergency equipment turnaround, usually a 45-foot unobstructed radius.

(f) At the end of the cul-de-sac, a five-foot sidewalk is required along the perimeter adjacent to the development.

(5) Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case less than 60 degrees unless there is a special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.

(6) Grades. In flat areas, allowance shall be made for finished street grades having a minimum slope of one-half percent. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing area of at least 20 feet long and averaging five percent grade or less. At intersections, no part of the centerline of one street within 50 feet of the near curbline of the other street shall have a slope above the intersection in excess of six percent or below the intersection in excess of eight percent. The maximum grade of either street within an intersection shall be six percent.

(7) Curves. Centerline radii of curves shall not be less than 300 feet on five-lane arterials, 200 feet on three-lane arterials, or 100 feet on other streets, and shall be to an even 10 feet, except where topographical conditions justify a variation.

(8) Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets; that is, a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic; double frontage lots with suitable depth, screen planting contained in a nonaccess reservation strip along the rear or side property line; or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(9) Alleys. Alleys shall be provided in commercial and industrial districts facilities as approved by the city. The corners of alley intersections shall have a radius of not less than 12 feet. There shall be no dead-end alleys.

(10) Future Extension of Streets. Streets shall be extended to the boundary of the parcel in order to give access to or permit a satisfactory future development of adjoining land. Resulting dead-end streets may be approved without a turnaround if they are less than 150 feet in length. If longer than 150 feet, then a temporary turnaround (i.e., hammerhead) shall be constructed. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(11) Street Names. No street name shall be used which will duplicate or be confused with names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission or department of community services. [Ord. 344, 2004; Ord. 93 § 3.11.3, 1987].

17.180.040 Pedestrian access and circulation.

(1) Pedestrian Pathways. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family housing and duplexes on individual existing lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below.

(2) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property. As a condition of approval, the developer shall record an access easement to grant access to adjacent parcels.

(3) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections

between primary building entrances and all adjacent streets, based on the following standards:

(a) Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(b) Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(c) For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

(d) For residential buildings, the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.

(4) Connections within Development. Pathways shall connect all building entrances to one another within a development. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

(5) Connections to Public Streets. Pathways shall be provided at or near mid-block where the block length exceeds the length required by Chapter 17.135 CBMC. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:

(a) Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;

(b) If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;

(c) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;

(d) The city may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;

(e) The city may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this title prohibit the pathway connection.

(6) Street Lights. Street lights shall be installed at the right-of-way intersection in accordance with city standards as part of the street improvement project or when the sidewalks are constructed. Street lights may also be required at the end of a cul-de-sac.

(7) Sidewalks and Planter Strips. Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner. [Ord. 344, 2004; Ord. 93 § 3.11.4, 1987].

17.180.050 Improvements.

(1) Improvement Standards. Public streets within or adjacent to a development shall be improved in accordance with the transportation system plan.

Public streets, alleys and driveways shall be constructed and improved to standards established by the department of community services and the provisions of this title.

Public street and alley improvements shall be subject to acceptance by the department of community services.

(2) Existing Streets. Whenever existing rights-of-way adjacent to or within a parcel are of less than the minimum width, additional right-of-way shall be provided as part of a land division or development permit.

(3) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the parcel, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of

the other half when the adjoining property is subdivided or developed. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(4) Temporary Streets. The city may accept a partial improvement of a local public street that serves a residential district. The partial improvement shall include improvement (an all-weather travel surface or paving) of the vehicle travel lanes, but may defer other improvements (e.g., paving, parking, curbs, gutters, sidewalks) as long as future guarantees are provided in accordance with subsection (5) of this section. The landowners or the city may consider the formation of a local improvement district at any time pursuant to city ordinance.

(5) Future Guarantees. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) which must be filed in the deed records of the county clerk, in lieu of street improvements, unless one or more of the following conditions exist:

(a) A partial improvement may create a potential safety hazard to motorists or pedestrians;

(b) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

(c) The improvement would be in conflict with an adopted capital improvement plan; or

(d) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets. [Ord. 344, 2004; Ord. 93 § 3.11.5, 1987].

Chapter 17.185

OPEN SPACE

Sections:

17.185.010 Types.
17.185.020 General standards.

17.185.010 Types.

Open space may be any or a combination of the following:

(1) Natural areas of undisturbed vegetation or areas replanted with vegetation after construction.

(2) Natural watercourses or greenways.

(3) Areas of steep slopes averaging greater than 20 percent.

(4) Expanses of lawn.

(5) Community garden plots.

(6) Yards associated with individual lots only if aggregated into one definable unit. [Ord. 93 § 3.12.1, 1987].

17.185.020 General standards.

(1) Minimum Area. The minimum area will vary and is specified for each use or type of development elsewhere in this title.

(2) Restrictions. Open space areas shall not be occupied by buildings, streets, or street rights-of-way. [Ord. 93 § 3.12.2, 1987].

Chapter 17.190

RECREATIONAL AREA

Sections:

17.190.010 Types.
17.190.020 General standards.
17.190.030 Conventional subdivision requirements.

17.190.010 Types.

Recreational areas may be either or a combination of the following:

(1) Places of active/passive recreation, i.e., tot lots, ballfields, picnic areas, community buildings, swimming pools, tennis courts, etc.

(2) Expanses of lawn. [Ord. 93 § 3.13.1, 1987].

17.190.020 General standards.

(1) Minimum Area. The minimum area will vary and is specified for each use or type of development below or elsewhere in this title. However, areas designated as recreational shall be contiguous and shall measure at least 30 feet in each direction.

(2) Overall Finished Grade. The grade of the area calculated for recreational areas shall not exceed 10 percent slope.

(3) Restrictions. Recreational areas shall not be occupied by nonrecreational buildings, streets, street rights-of-way, solar arrays, or wind generation devices. [Ord. 93 § 3.13.2, 1987].

17.190.030 Conventional subdivision requirements.

(1) Minimum Area. The developer shall dedicate to the city or reserve for the residents of the development land usable for recreational area. This regulation shall apply to developments of at least six acres or greater. The amount of land to be set aside shall be 3,000 square feet for the first six acres and shall be increased 500 square feet for every additional acre in the development. Any fractional acreage greater than one-half shall be counted as a full acre. The recreational area shall have a length-to-width ratio of not greater than 3:1.

(2) Plan. The plat or partition map shall contain the following:

(a) Boundaries of the proposed area.

(b) Written explanation of the purpose of the area and a description of any improvements to be made.

(c) Description of the manner in which the area will be perpetuated, maintained, and administered.

(3) Guarantee.

(a) Recreational areas dedicated to the city must be accepted by the city; or

(b) The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling. [Ord. 93 § 3.13.3, 1987].

Chapter 17.195

FLOOD DAMAGE PREVENTION

Sections:

17.195.010 General.
17.195.020 Authorization.
17.195.030 Findings of fact.
17.195.040 Statement of purpose.
17.195.050 Methods of reducing flood losses.
17.195.060 Definitions.
17.195.070 General provisions – Lands to which this chapter applies.
17.195.080 Basis for establishing the areas of special flood hazard.
17.195.090 Abrogation and greater restrictions.
17.195.100 Interpretation and severability.
17.195.110 Warning and disclaimer of liability.
17.195.120 Alteration of watercourses.
17.195.130 Special flood hazard areas.
17.195.140 Development permit required – Obtaining and maintaining information.
17.195.150 Review of development permits.
17.195.160 Provisions for flood hazard reduction.
17.195.170 Below-grade crawlspaces.
17.195.180 Critical facility.
17.195.190 Land division, manufactured home parks and planned unit development.
17.195.200 Standards for storage of materials and equipment.

17.195.010 General.

(1) Areas within the city of Coos Bay have been subject to periodic flooding and the city is a participating community in the National Flood Insurance Program. Therefore, the city must adopt land use control measures to reduce flood hazard and assure that city residents will continue to benefit from the national program.

(2) As part of this program, the city shall:

(a) Review all development permits to determine that all necessary federal, state, or local governmental agency permits have been obtained which require prior approval;

(b) Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied;

(c) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new structures, substantially improved structures, or substantially improved floodproofed structures, and whether or not the structure contains a basement; and

(d) Maintain floodproofing certification required by CBMC 17.195.160(2)(b). [Ord. 418 § 4, 2009].

17.195.020 Authorization.

The state of Oregon has, in ORS 203.035, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Coos Bay does ordain as follows in this chapter. [Ord. 418 § 5, 2009].

17.195.030 Findings of fact.

(1) The flood hazard areas of the city of Coos Bay are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. [Ord. 418 § 6, 2009].

17.195.040 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money and costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, tele-

phone and sewer lines, streets, and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard;

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

(9) To maintain eligibility for disaster relief. [Ord. 418 § 7, 2009].

17.195.050 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage;

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas; and

(6) Coordinating and supplementing the provisions of the state building code with local land use and development ordinances. [Ord. 418 § 8, 2009].

17.195.060 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Some of the definitions below are repeated from Chapter 17.10 CBMC.

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Existing manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective

date of the adopted floodplain management regulations.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

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

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Grade (adjacent ground level)" means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet from the wall. If walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way. For the NFIP, the lowest adjacent grade is the lowest point of the ground level next to the building.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at CBMC 17.195.160(2)(a)(ii).

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

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the

installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State building code" means the combined specialty codes.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

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

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Ord. 418 § 9, 2009].

17.195.070 General provisions – Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city of Coos Bay. [Ord. 418 § 10, 2009].

17.195.080 Basis for establishing the areas of special flood hazard.

(1) The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Coos County, Oregon and Incorporated Areas," dated September 25, 2009, and accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study and the FIRM are on file at 500 Central Avenue, Coos Bay, Oregon 97420. The best available information for flood hazard area identification as outlined in subsection (2) of this section shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection (2) of this section.

(2) When base flood elevation data described in subsection (1) of this section has not been provided, the local administrator, the public works director, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to administer CBMC 17.195.130 and 17.195.160(2).

(3) The city shall make an interpretation where needed, as to the exact location of FIRM boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulation of the National Flood Insurance Program (44 CFR 59-76). [Ord. 418 § 11, 2009].

17.195.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and

another ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. [Ord. 418 § 12, 2009].

17.195.100 Interpretation and severability.

(1) In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building code.

(2) Severability. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter. [Ord. 418 § 13, 2009].

17.195.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Coos Bay, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. [Ord. 418 § 14, 2009].

17.195.120 Alteration of watercourses.

Adjacent jurisdictions, the Department of Land Conservation and Development, and other appropriate state and federal agencies shall be notified prior to any alteration or relocation of a watercourse subject to flood hazard, and the city shall submit evidence of such notification to the Federal Insurance Administration. Maintenance shall be required within the altered or relocated portion of the watercourse so that its flood-carrying capacity is not diminished. [Ord. 418 § 15, 2009].

17.195.130 Special flood hazard areas.

(1) In special flood hazard areas, where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zones A and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential.

Therefore, encroachments into the floodway, including fill, new construction, substantial improvement, and other development, shall be prohibited, unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) If the requirement of subsection (1) or (2) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of CBMC 17.195.160, Provisions for flood hazard reduction.

(4) Projects for stream habitat restoration may be permitted in the floodway provided:

(a) The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and

(b) A qualified professional (a registered professional engineer; or staff of NRCS, the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and

(c) No structures would be impacted by a potential rise in flood elevation; and

(d) An agreement to monitor the project, correct problems, and ensure that flood-carrying

capacity remains unchanged is included as part of the local approval.

(5) New installation of manufactured dwellings is prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:

(a) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation and the continued use is not a threat to life, health, property, or the general public; or

(b) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation, and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:

(i) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;

(ii) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 centimeters) above the BFE as identified on the Flood Insurance Rate Map;

(iii) The replacement manufactured home is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;

(iv) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;

(v) The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and

(vi) Any other requirements deemed necessary by the authority having jurisdiction. [Ord. 418 § 16, 2009].

17.195.140 Development permit required – Obtaining and maintaining information.

(1) A development permit shall be obtained before construction, including substantial improvements, or development begins within any area of special flood hazard established in CBMC 17.195.080. The permit shall be for all structures, including manufactured homes, and for all development including fill and other activities, as set forth in CBMC 17.10.010 and 17.195.060.

(2) Application for Development Permit. Application for a development permit shall be made on forms furnished by the public works and development department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any structure has been floodproofed;

(c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in CBMC 17.195.160(2)(b); and

(d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(3) Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in CBMC 17.195.080(2), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved floodproofed structures where elevation data is

provided through the Flood Insurance Study, FIRM, or as required in CBMC 17.195.080(2):

(i) Obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

(ii) Maintain the floodproofing certifications required in subsection (2) of this section.

(c) Maintain for public inspection all records pertaining to the provisions of this chapter. [Ord. 418 § 17, 2009].

17.195.150 Review of development permits.

The public works and development director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The duties shall include, but not be limited to:

(1) Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of CBMC 17.195.130(2) are met.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, CBMC 17.195.080(2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historic data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two feet above the highest adjacent grade in these zones may result in higher insurance rates. [Ord. 418 § 18, 2009].

17.195.160 Provisions for flood hazard reduction.

Substantial improvements to existing structures located at or below the base flood elevation and all new construction shall conform to the following standards. The building official and/or public works and development department shall be responsible to review plans and inspect construction to determine that it is reasonably safe from flooding and complies with provisions of the International Code Council (ICC).

(1) General Standards. In all areas of special flood hazard, the following standards are required:

(a) Anchoring.

(i) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and

(ii) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(b) Construction Materials and Methods.

(i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

(iii) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities.

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(ii) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, consistent with the Oregon Department of Environmental Quality.

(d) Subdivision Proposals.

(i) All subdivision proposals shall be consistent with the need to minimize flood damage;

(ii) All subdivision proposals shall have public utilities and facilities, such as sewer, gas,

electrical, and water systems located and constructed to minimize or eliminate flood damage;

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(iv) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(2) Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in CBMC 17.195.080(1) or (2), the following provisions are required:

(a) Residential Construction.

(i) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation.

(ii) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than one foot above grade.

(C) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

(b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure (including a detached garage) shall either have the lowest floor, including basement, elevated at or above the base flood elevation, or together with attendant utility and sanitary facilities, shall:

(i) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii) Be certified by a registered engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based upon their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the city as set forth in CBMC 17.195.010(2)(d);

(iv) Nonresidential structures which are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (2)(a)(ii) of this section; and

(v) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below the base flood level).

(c) Manufactured Homes.

(i) Manufactured homes shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated a minimum of 18 inches (46 centimeters) above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement when the home is to be located or substantially improved on sites:

(A) Outside of a manufactured home park or subdivision;

(B) In a new manufactured home park or subdivision;

(C) In an expansion to an existing manufactured home park or subdivision; or

(D) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

(ii) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (2)(c)(i) of this section shall be elevated so that either:

(A) The finished floor of the manufactured home is elevated a minimum of 18 inches (46 centimeters) above the base flood elevation; or

(B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) Recreational Vehicles. Recreational vehicles placed on sites are required to either:

(i) Occupy the site for less than 180 consecutive days; or

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick-disconnect-type utilities and security devices, and have no permanently attached additions; or

(iii) Meet the requirements of subsection (2)(c) of this section, and the elevation and anchoring requirements for manufactured homes. [Ord. 418 § 19, 2009].

17.195.170 Below-grade crawlspaces.

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection (2) of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(2) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(4) Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(5) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

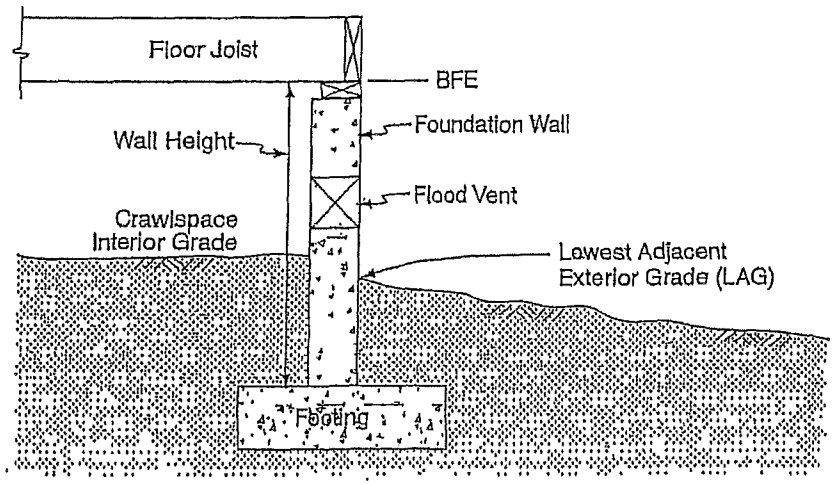
(6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

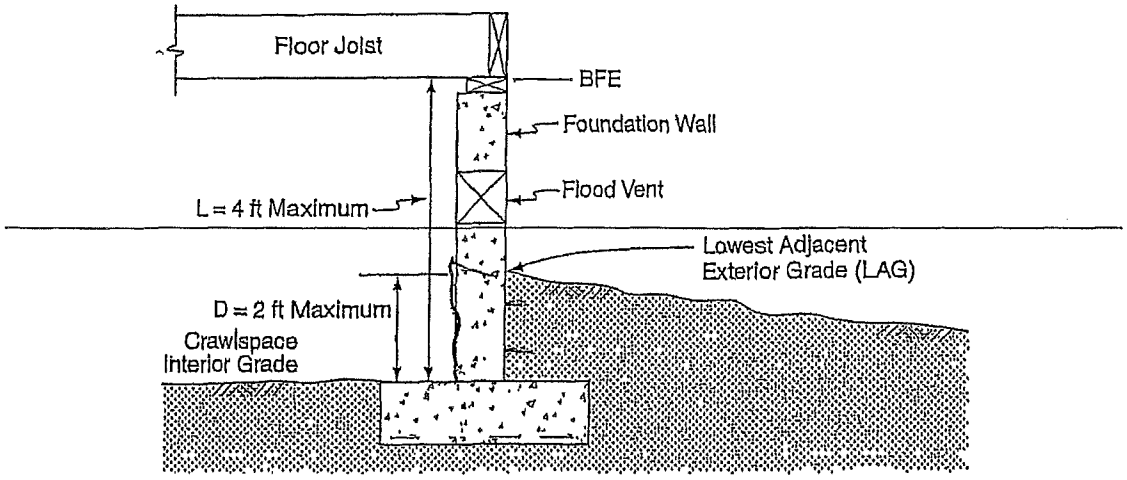
(8) The velocity of floodwaters at the site must not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types shall be used.

(9) There is an increased insurance cost associated with below-grade crawlspaces.

Below are diagrams from FEMA Technical Bulletin 11-01.



* Preferred crawlspace construction



* Requirements regarding below-grade crawlspace construction

* For residential structures, state building code requires the lowest floor to be elevated a minimum of one foot (18 inches for manufactured homes) above BFE.

[Ord. 418 § 20, 2009].

17.195.180 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 418 § 21, 2009].

17.195.190 Land division, manufactured home parks and planned unit development.

All development proposals for land division, manufactured home parks, and planned unit developments shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for those development proposals which contain at least 50 lots or spaces, or five acres (whichever is less). [Ord. 418 § 22, 2009].

17.195.200 Standards for storage of materials and equipment.

(1) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning. [Ord. 418 § 23, 2009].

Chapter 17.200

OFF-STREET PARKING AND LOADING

Sections:

17.200.010 Intent.
17.200.020 General provisions.
17.200.030 Design requirements.
17.200.040 Minimum off-street parking requirements.
17.200.050 Nonresidential loading requirements.
17.200.060 Bicycle parking.

17.200.010 Intent.

The provisions of this section are intended to guarantee that adequate parking is provided by each business or residence for the convenience and safety of the user, and to reduce traffic congestion caused by on-street parking. The standards which address the improvement of parking areas are designed to enhance their appearance, make them safe for public use, control dust, and reduce the amount of damage to improved streets, sidewalks, and storm sewerage systems from debris. [Ord. 93 § 3.15.1, 1987].

17.200.020 General provisions.

(1) Required parking shall be available for the parking of operable vehicles of residents, customers, and employees. A required loading space shall not be used for any other purpose than the immediate loading or unloading of goods or passengers.

(2) The off-street parking and loading requirements specified in this title shall be required of any new development or use and shall not be relinquished, reduced, or altered below the requirements established unless equivalent facilities are provided and maintained elsewhere or until the use or occupancy of the building or structure is changed, affecting the computation of the required parking.

(3) When an existing structure is enlarged by increasing the floor space or by increasing seating capacity, or if the use changes, and any of these changes requires greater amounts of parking, the off-street parking requirements of this chapter for the use, in its entirety, shall be satisfied.

(4) Off-street parking and loading spaces shall meet all requirements of this title before the build-

ing for which they serve is occupied, except as permitted in CBMC 17.200.030(3).

(5) All parking spaces shall be on the same parcel of land with the main use they serve. However, parking for nonresidential structures or uses may be provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of deed, lease, contract, or other similar document that the site is usable for the required parking for the duration of the use. [Ord. 93 § 3.15.2, 1987].

17.200.030 Design requirements.

(1) Access.

(a) All access to individual parking spaces on a nonresidential parcel or lot shall be from a street or alley directly to the parcel or lot itself. Parking spaces in a nonresidential lot and for multiple-family units of four or more shall be arranged so that ingress to or egress from a parking space does not require backing into a public street or over a sidewalk.

(b) The only exception to this requirement may occur in the residential/professional district (R-4P) if in the judgment of the department of community services excessive development of maneuvering areas will detract from the residential character of the building. Factors to be considered in making this decision include the number of vehicles generated, frequency of vehicle movement, the amount of land area needed for maneuvering, and traffic safety factors, such as the design of the street or the average daily traffic volume.

(2) Dimensions.

(a) Residential Uses. A parking space for residential uses shall have a minimum width of nine feet and a minimum length of 18 feet.

(b) Nonresidential Uses. A parking space for nonresidential uses shall have a minimum width of nine feet and a minimum length of 18 feet not including access driveways and turnarounds sufficient to permit a standard automobile to be parked in and removed from the space without the necessity of moving other vehicles. The recommended dimensions of stalls and aisles are shown in Table 17.200.030.

(c) Nonresidential Uses – Compact Car. A compact car space for nonresidential uses shall have a minimum width of eight feet and a minimum length of 16 feet not including access driveways and turnarounds sufficient to permit a compact automobile to be parked in and removed from the space without the necessity of moving other vehicles.

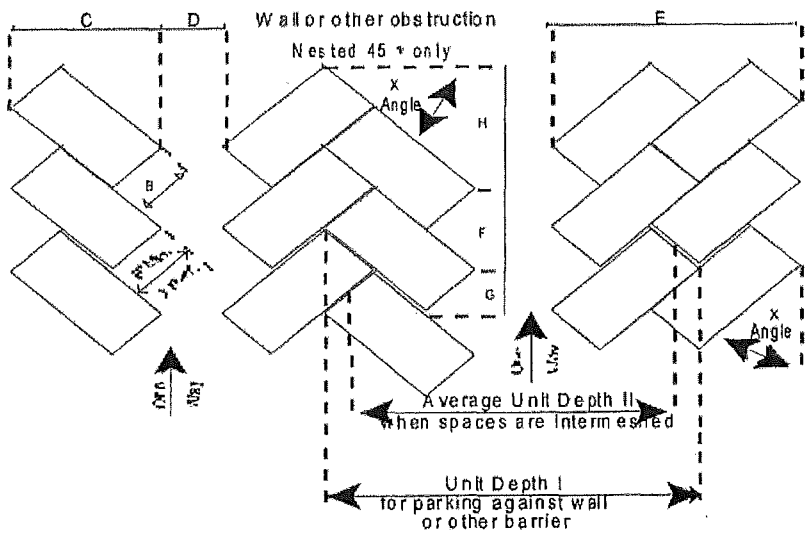
Table 17.200.030 – Parking Lot Dimensions
Recommended Stall and Aisle Dimensions

Angle X	B	C	D	E	F	G	H	Unit Depth	
								I	II
30	8.0	15.9	11.0	24.9	16.0	4.0	19.6	42.8	35.9
	8.5	16.4	11.0	25.4	17.0	4.2	19.8	43.7	36.4
	9.0	16.8	11.0	25.8	18.0	4.5	20.1	44.6	36.8
45	8.0	18.4	14.0	31.1	11.3	5.7	18.4	50.8	45.1
	8.5	18.7	13.5	31.5	12.0	6.0	18.7	51.0	45.0
	9.0	19.1	13.0	31.8	12.7	6.4	19.1	51.2	44.8
60	8.0	19.6	19.0	35.2	9.2	6.9	15.9	58.2	54.2
	8.5	19.8	18.5	35.4	9.8	7.4	16.4	58.2	53.9
	9.0	20.1	18.0	35.7	10.4	7.8	16.8	58.2	53.7
70	8.0	19.7	20.0	36.6	8.5	7.5	13.7	59.3	56.6
	8.5	19.8	19.5	36.7	9.0	8.0	14.1	59.1	56.2
	9.0	20.0	19.0	36.9	9.6	8.5	14.6	59.0	55.9
80	8.0	19.1	25.0	36.8	8.1	7.9	11.0	63.2	61.8
	8.5	19.2	24.0	36.9	8.6	8.4	11.5	62.4	60.9
	9.0	19.3	24.0	37.0	9.1	8.9	12.0	62.6	61.0

Table 17.200.030 – Parking Lot Dimensions
Recommended Stall and Aisle Dimensions

Angle X	B	C	D	E	F	G	H	Unit Depth	
								I	II
90	8.0	18.0	29.0	36.0	8.0	8.0	0	65.0	65.0
	8.5	18.0	27.0	36.0	8.5	8.5	0	63.0	63.0
	9.0	18.0	25.0	36.0	9.0	9.0	0	61.0	61.0

Figure 17.200.030 – Stall and Aisle Diagram



Note: Even number of spaces, "N" is length of curb.

"L" = N = $\frac{L-H+G}{F}$

Stall length = 18'0"

(3) Surfacing.

(a) General.

(i) All off-street parking spaces, access, maneuvering areas, and driveways shall be graded and paved in accordance with the standards established by the engineering division and shall be maintained in good condition.

(ii) If access is gained from an improved street, that portion of the access in the public right-of-way also shall be paved.

(iii) Improvements to the parking facilities of residential uses, such as the addition of a carport or garage, shall require compliance with the surfacing requirements of the driveway and maneuvering areas if the dwelling gains access from an improved street. At a minimum, the paved access must be 10 feet in length measured from the curb face.

(iv) Exceptions to this requirement are listed in subsection (3)(b) of this section; delays are listed in subsections (3)(c) and (d) of this section.

(b) Exceptions. The following parking areas are exempt from the surfacing requirements, but are subject to improvements in subsection (3)(e) of this section:

(i) Separate or segregated parking areas for storage of business vehicles and equipment when in excess of the required parking.

(ii) Separate or segregated parking areas for employees only when in excess of the required parking.

(iii) Separate or segregated areas for the outside display of merchandise. (Example: automotive and equipment sales/rentals and construction sales and service, etc.)

(c) Delays – Unimproved Rights-of-Way. Off-street parking and loading for residential and nonresidential uses on existing unpaved streets are allowed a delay from the surfacing requirements prior to the issuance of an occupancy permit. However, the property owner must consent and present a recorded deed restriction or covenant which states that remonstrance against any future street improvement project has been waived and that the required paving will be completed within 12 months after the street is improved.

(d) Delays – Physical Problems. The immediate surfacing of parking areas may be delayed up to one year after the date of occupancy when it is determined by the city building official that soil or climatic conditions or the availability of paving material prevents immediate paving. Soil instability shall be verified in writing by a paving contractor, qualified architect or engineer. The temporary delay shall be granted in writing by the building official. This delay is subject to improvements that may be required in subsection (3)(e) of this section.

(e) Surfacing – Improvements for Exempt Surfacing.

(i) Provide gravel and/or durable, dustless surface.

(ii) Pave driveways and aprons to discourage debris from entering the street right-of-way or sidewalk. At a minimum, the paved access must be 20 feet in length measured from the curb face.

(iii) When adjacent to public sidewalks, provide a six-inch curb in accordance with standards established by the department of community services.

(iv) Provide adequate drainage to dispose of runoff.

(4) Signing. Parking stalls shall be clearly marked to the full 18- or 16-foot length and access lanes marked with directional arrows to guide internal movements. Additional signs and markings shall be required if determined by the public works department to be necessary for traffic circulation or safety. Areas used for compact cars shall be clearly marked and handicapped parking spaces shall be designated in accordance with state standards.

(5) Wheel Stops. Wheel stops shall be placed so that no part of a vehicle extends over public sidewalks or rights-of-way or property lines. Parking areas directly abutting a street where no sidewalk exists shall have wheel stops placed so that at least a five-foot strip of pavement is available for pedestrian access in lieu of the sidewalk.

(6) Drainage. Adequate drainage shall be provided to prevent ponding and to dispose of the runoff from the impervious surface of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public rights-of-way, and abutting private property, subject to approval of the public works department.

(7) Landscaping.

(a) Minimum Area. For all off-street parking and maneuvering areas with 10 or more spaces, a minimum of nine square feet of landscaping shall be provided for each parking space.

(b) Design Requirements.

(i) Landscaping shall consist of elements, each with a minimum area of 25 square feet and a minimum average width of three feet.

(ii) Landscaping elements must be adjacent to or within the parking lot and shall be spaced no farther than 100 feet apart.

(iii) Each element must have a major tree with a height of at least 20 feet at maturity and ground cover with a minimum height of one and one-half feet at maturity.

(8) Lighting. Lighting provided to illuminate parking, sales or display areas shall be hooded and arranged and controlled not to cause a nuisance either to traffic or to the living environment. The amount of light shall be provided according to the standards established by the public works department. [Ord. 344, 2004; Ord. 234, 1996; Ord. 93 § 3.15.3, 1987].

17.200.040 Minimum off-street parking requirements.

(1) General.

(a) The amount of off-street parking shall be computed according to the standards of this section and the formulas listed in Table 17.200.040.

(b) Off-street parking requirements for a use not specifically mentioned shall be computed at the requirement for the use it most closely resembles at the discretion of the community development department.

(c) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

(2) Shared Parking. Parking for two different uses may be shared if the business can demonstrate that the hours of operation do not overlap.

(3) Compact Car and Handicapped Parking. A maximum of 25 percent of the required parking may be used for compact car parking. The number of parking spaces for the handicapped shall comply with state law.

(4) Exempt Parking.

(a) There shall be no off-street parking requirements for any property included within the area identified in Figure 17.200.040(1). This area includes property within the parking lot assessment district, city-owned property, public right-of-way, and private property that has provided land for public parking.

(b) Any use included in the area identified in Figure 17.200.040(2) must provide off-street parking for the number of spaces required in Table 17.200.040, in excess of 25 spaces.

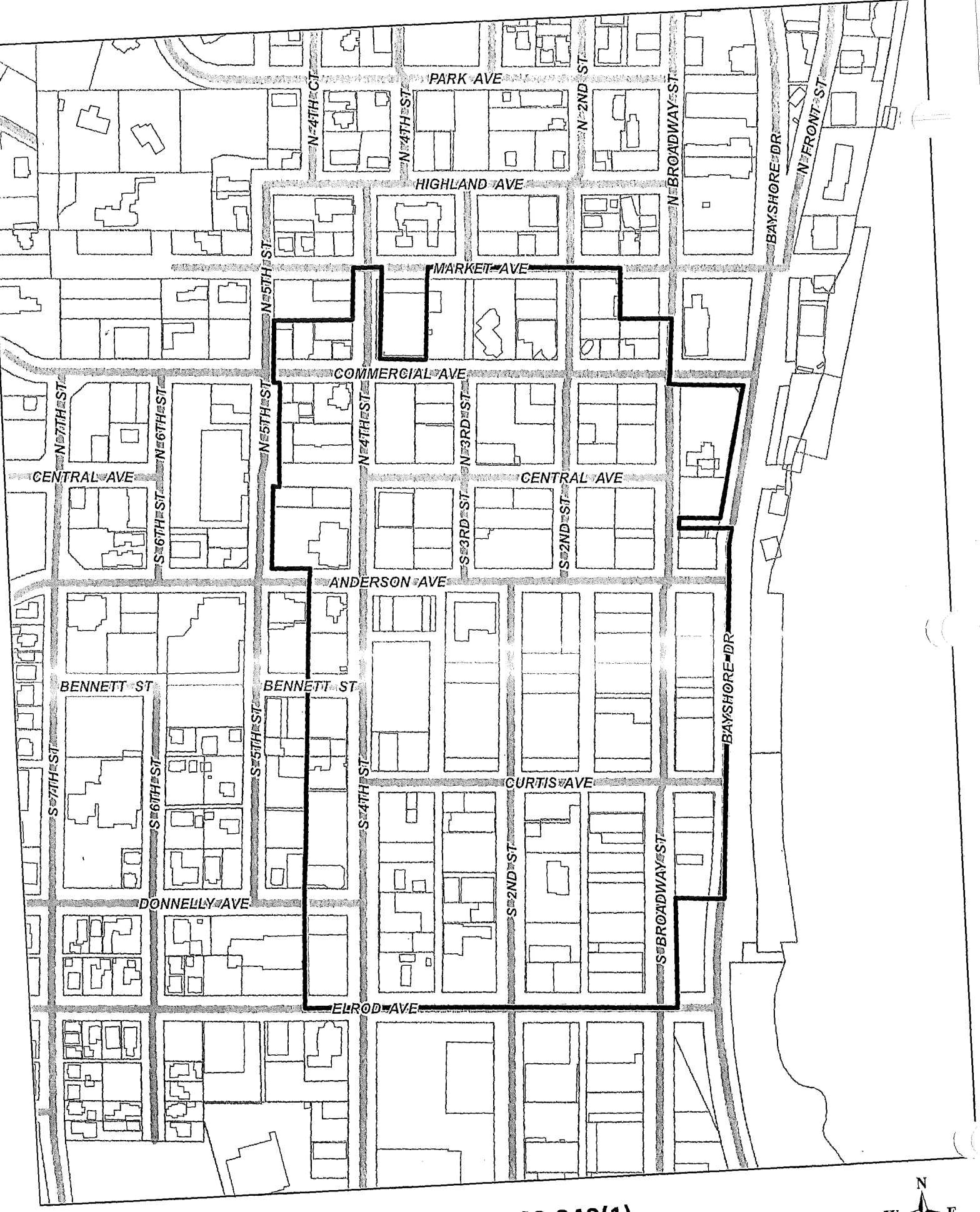


Figure 17.200.040(1)

Legend

DOWNTOWN PARKING DISTRICT

N
W E
S

1 inch = 300 feet

Figure 17.200.040(2)

Table 17.200.040 – Minimum Off-Street Parking Requirements*

Use or Occupancy	Number of Spaces Required
Residential**	
Single-family or duplex dwelling	Two per dwelling unit
Multiple-family dwelling or group residential	One and one-half per dwelling unit
Group residential care facility**	One per three beds
Residential certified factory-built home park	Two and one-half per dwelling unit
Senior citizen housing	Land area for one and one-half per dwelling unit must be available; however, only one space per three dwelling units must be improved
Tourist Lodging**	
Commercial recreational vehicle park	One per space plus one per every five mobile unit spaces
Hotels, motels, lodging, bed and breakfast**	One per guestroom or suite plus one per every 25 rooms
Emergency shelter or housing**	One per guestroom or suite plus one for every 25 rooms
Commercial**	
Auto, boat, trailer/ mobile home sales or service, or nursery	One per 500 square feet
General retail	One per 250 square feet
Furniture or appliance	One per 500 square feet
Personal service and repair	One per 250 square feet
Self-service laundry	One per three washing machines
Professional or general office, general government, utility company	One per 330 square feet
Full-service bank	One per 200 square feet
Savings and loan	One per 250 square feet

Table 17.200.040 – Minimum Off-Street Parking Requirements* (Continued)

Use or Occupancy	Number of Spaces Required
Social service office	One per 125 square feet
Medical/dental office or clinic	One per 200 square feet
Eating and drinking establishment	One per 100 square feet
Lodge and fraternal organization	Parking spaces shall meet the combined requirements of uses conducted (i.e., restaurants, places of assembly, offices)
Bowling alley	Two per lane
Skating rink or dance hall	Two per 100 square feet plus one per two employees
Institutional**	
Rest home or sanitarium	One space per two beds for patients or residents
Hospital	Three per two beds
Library	Two and one-half spaces per 1,000 square feet plus one space per two employees
Schools**	
Preschool, nursery or kindergarten	Two spaces per teacher
Elementary or junior high school	One space per classroom plus one space per administrative employee; or one space per four seats or eight feet of bench length in the auditorium, whichever is greater

Table 17.200.040 – Minimum Off-Street Parking Requirements* (Continued)

Use or Occupancy	Number of Spaces Required
High school	One space per classroom plus one space per administrative employee plus one space for each six students; or one space per four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater
College, university, trade school	Two per classroom plus one per five commercial school for adult students
Places of Assembly**	
With seating, i.e., church	One space for each four seats or eight feet of bench length which may potentially be provided in the main room of a church, religious institution, or other auditorium. Such space may not be provided in the required first 10 feet of any yard which abuts a street.
With no seating, i.e., playground	At the discretion of the planning commission. Generally one space per four persons based on the occupancy load.
Industrial	
Warehouse and manufacturing	One per 1,000 square feet, but must yield no less than one per employee
Wholesale establishment and freight	One per employee plus one per 1,000 square feet of terminal

* Unless otherwise specified, the computations are based upon the square feet of floor area generally available for occupancy, exclusive of restrooms, hallways, lobbies, storage areas not used for public display, elevators, and similar accessory areas.

** Bed and breakfast establishments, emergency shelters/housing, or uses in certified historic structures may be allowed a reduction in the amount of parking required on site through the variance procedure. This reduction may be allowed if on-street parking along the subject property frontage is available: up to a 50 percent reduction if on-street parking is allowed on both sides of the street; up to a 20 percent reduction if on-street parking is allowed on one side only.

[Ord. 406 § 1, 2008; Ord. 237, 1997; Ord. 93 § 3.15.4, 1987].

17.200.050 Nonresidential loading requirements.

(1) Nonresidential off-street loading shall be required of uses or buildings which receive or distribute merchandise by truck and shall be adequate to handle the needs of the particular use. Where practical difficulties make it impossible to provide off-street loading spaces, provisions shall be made to provide these spaces through a right-of-way use permit or loading zone.

(2) Businesses located within existing parking assessment districts, which are exempt from off-street parking requirements, shall provide loading spaces as required.

(3) All schools having a capacity of 25 or more students shall have a driveway designed for a continuous flow of passenger vehicles for the purpose of loading and unloading students.

(4) Off-street loading spaces shall be required as designated by Table 17.200.050.

Table 17.200.050 – Nonresidential Off-Street Loading Requirements

Sq. Ft. of Floor Area*	Loading Space	Special Requirements
1,000 – 5,000	250 sq. ft.	None
5,000 – 20,000	300 sq. ft.	None
20,000 – 50,000	750 sq. ft.	One space must measure 10' x 50'
50,000 plus	1,000 sq. ft.	One space must measure 10' x 50'

* Unless otherwise specified, the computations are based upon the square feet of floor area generally available for occupancy, exclusive of restrooms, hallways, lobbies, storage areas not used for public display, elevators, and similar accessory areas.

[Ord. 93 § 3.15.5, 1987].

17.200.060 Bicycle parking.

All uses, except for single-family dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.200.060.

Table 17.200.060 – Bicycle Parking

Type of Use	Number of Bicycle Parking Spaces
Multifamily Residential	One space per dwelling unit[1]
Commercial	One space per use plus one space per 50 vehicle parking spaces
Institutional, Public and Quasi-public	Schools – One space per 10 students Other uses – One space per use plus one space per 10 vehicle parking spaces

1. Bicycle parking space may be located within garage, storage shed, basement, utility room or similar area.

(1) Bicycle Parking Location. Bicycle parking shall be located in lighted, secure locations within 50 feet of the main entrance to a building, but not further from the entrance than the closest general purpose automobile parking space. Where a building has multiple entrances, required bicycle parking shall be no farther than 50 feet from an entrance. Bicycle parking shall be located and designed so as to not impede or create a hazard to pedestrians (at least 36 inches between bicycles and other obstructions or buildings). [Ord. 344, 2004; Ord. 93 § 3.15.6, 1987].

Chapter 17.205

ESTUARINE AND COASTAL SHORELAND USES AND ACTIVITIES

Sections:

17.205.010 General provisions.

17.205.010 General provisions.

Any uses and activities lying within the estuary or coastal shoreland area as defined by the Coos Bay estuary management plan shall be subject to review. This review shall determine if the proposed use and/or activity complies with the applicable provisions of the estuary management plan and this title. Review shall be accomplished by the department of community services in accordance with Chapter 17.340 CBMC. [Ord. 93 § 3.16, 1987].

Chapter 17.210

DREDGED MATERIAL DISPOSAL SITES

Sections:

17.210.010 General provisions.

17.210.010 General provisions.

Sites are designated by the Coos Bay estuary management plan for the eventual disposal of dredged material. These sites are to be managed to prevent uses and activities from preempting the ultimate disposal of material. Use of these sites shall conform to the policies and procedures of the Coos Bay estuary management plan. [Ord. 93 § 3.17, 1987].

Chapter 17.215

LAND CLEARING, EROSION CONTROL, AND STEEP SLOPE AREAS

Sections:

17.215.010 General provisions.

17.215.010 General provisions.

The removal of ground cover and trees without proper planning can create environmental hazards, pose a hazard to property and lead to unsound development practices. It is not the intent to prohibit land clearing but to regulate its effects by issuance of a land clearing and erosion control permit in accordance with the provisions of Chapter 17.320 CBMC. [Ord. 93 § 3.18, 1987].

Chapter 17.220

CULTURAL RESOURCES

Sections:

17.220.010 General provisions.

17.220.010 General provisions.

Any property identified as a cultural resource shall not be developed, altered, remodeled, relocated, or demolished if this activity will detrimentally affect the significance of the resource. Determination of a site's significance and consideration of the proposed changes against the site's cultural value shall be made in accordance with the provisions of Chapter 17.365 CBMC. [Ord. 93 § 3.19, 1987].

Chapter 17.225

AIR SURFACE PROTECTION

Sections:

17.225.010 General.
17.225.020 Basis for establishing the air surfaces.
17.225.030 General standards.

17.225.010 General.

Some areas in the city lie underneath the approach, transitional, horizontal, and conical air protection surfaces of the North Bend Municipal Airport. To avoid hazards to flight, the height of structures, buildings or vegetation must not penetrate these imaginary surfaces, or must be visually identified. [Ord. 93 § 3.20.1, 1987].

17.225.020 Basis for establishing the air surfaces.

The approach, transitional, horizontal, and conical surfaces within the city of Coos Bay are identified in the North Bend Municipal Airport Master Plan "Approach and Clear Zone Plan," July 1979 (Figure 17.225.030) and any revisions thereto are adopted by reference and declared to be part of this title. [Ord. 93 § 3.20.2, 1987].

17.225.030 General standards.

(1) The requirements of this section shall apply to the following:

(a) Any structure, building, or vegetation more than 200 feet in height above the ground level at its site; or

(b) Any structure, building, or vegetation at a maximum elevation greater than:

(i) Nine to 209 feet m.s.l. within the approach surface.

(ii) One hundred thirty-four to 164 feet m.s.l. within the transitional surface.

(iii) One hundred sixty-four feet m.s.l. within the horizontal surface.

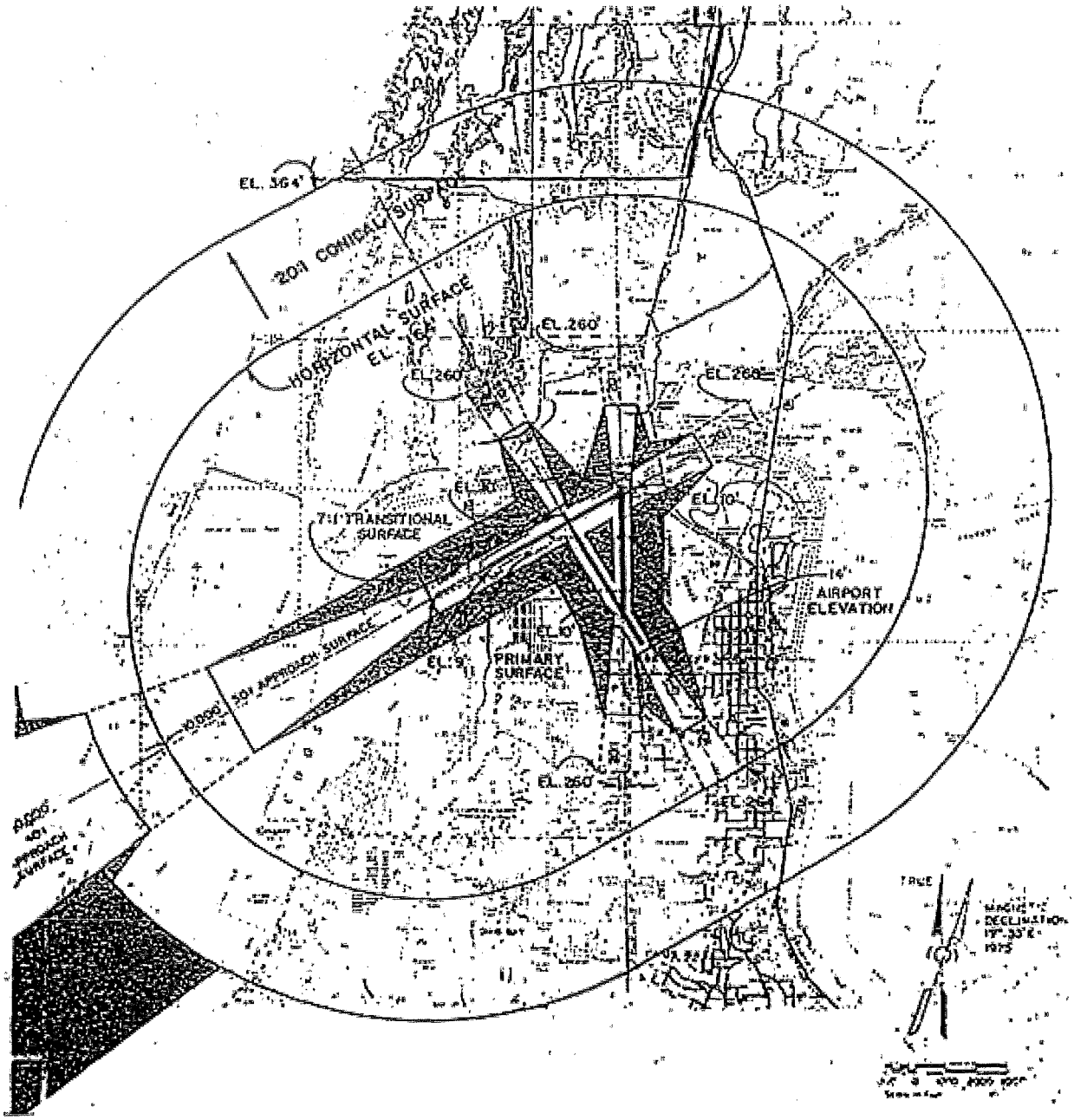
(iv) One hundred sixty-four to 364 feet m.s.l. within the conical surface.

(2) Before any building or development permit is issued or approved, the applicant shall present:

(a) Documentation from a qualified professional specifying the elevations of the site at the point of construction or ground level.

(b) If then confirmed to be required, documentation of compliance with the Federal Aviation Regulations, along with any special conditions applied by the FAA to guarantee compliance.

Figure 17.225.030 – Air Protection Surfaces



"Approach and Clear Zone Plan," North Bend Municipal Airport 1980/2000 Master Plan, July 1979, p. 38.

[Ord. 148 § 19, 1989; Ord. 93 § 3.20.3, 1987].

Chapter 17.230

SIGNS

Sections:

17.230.010 Purpose.
17.230.020 General provisions.
17.230.030 Signs allowed without permit.
17.230.040 Prohibited signs.
17.230.050 Special signs.
17.230.060 Standards – Residential zoning districts.
17.230.070 Standards – Commercial and industrial zoning districts.
17.230.080 Standards – Professional districts.
17.230.090 Standards – Quasi-public districts.

17.230.010 Purpose.

The provisions of this chapter are intended to:

(1) Improve the effectiveness of signs in identifying and advertising businesses.

(2) Prevent signs from detracting from the enjoyment and pleasure of the city's natural beauty.

(3) Provide uniform sign standards and fair and equal treatment of sign users.

(4) Protect public safety by ensuring that official traffic regulating devices are easily visible.

(5) Ensure the safe construction, erection, and maintenance of outdoor signs. [Ord. 93 § 3.21.1, 1987].

17.230.020 General provisions.

(1) General Location of Signs. No sign allowed by this title shall be placed so that it is supported within a public right-of-way, unless this title specifies otherwise. Some signs may project over rights-of-way, subject to the standards for that type of sign or for the underlying zoning district.

(2) Permits.

(a) Sign permits are required before the installation of all signs except those exempted in CBMC 17.230.030. Permits may be issued to the sign contractor or to the owner of the business or property.

(b) Applications for sign permits shall contain at least the following information:

(i) Name and address of the applicant.

(ii) Location of the property on which the sign is to be erected, and the amount of lot and building frontages.

(iii) Dimensions of the sign and its height above grade.

(iv) A sketch showing the location of all existing and proposed signs on the premises.

(v) A sketch or description of the advertising copy on the proposed sign.

(vi) If required, a drawing showing clearly the structural elements.

(3) Installation and Maintenance. The installation of all signs shall be in compliance with the appropriate chapter of the State Structural Specialty Code in effect. No signs shall be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape required by code. All signs shall be maintained in a safe, complete, and neat condition.

(4) For the purpose of this chapter, the zoning districts are as follows:

(a) Residential: single-family residential (R-1), single-family/duplex residential (R-2), multiple residential (R-3), residential certified factory-built home park (R-5), restricted waterfront residential (R-W).

(b) Professional: residential/professional (R-4P), medical park (MP).

(c) Commercial: central commercial (C-1), general commercial (C-2).

(d) Industrial: industrial/commercial (I-C), general industrial (G-I), waterfront industrial (W-I).

(e) Quasi-public: park/cemetery (QP-1), watershed (QP-2), public educational facilities (QP-3), transportation facilities (QP-4), buffer (QP-5).

(5) Applicability of Chapter. Murals shall not be considered signs. [Ord. 93 § 3.21.2, 1987].

17.230.030 Signs allowed without permit.

(1) Public Signs. Signs of a public, noncommercial nature which shall include traffic control signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest, and all signs erected by a public employee in the performance of public duty.

(2) Memorial Signs or Tablets. Nonilluminated memorial signs or tablets indicating the name of a

building and/or the date of erection. Exempted signs shall not exceed five feet.

(3) Private Traffic Direction Signs. Signs guiding vehicular and pedestrian traffic on private property. Exempt signs shall be less than three square feet, shall not be placed within a public right-of-way, except by right-of-way use permit, and shall contain no other advertising copy.

(4) Name Plates. Nonilluminated, single-faced, wall-mounted name plates indicating only the name, address, and occupation of the occupant. Exempt signs shall not exceed one name plate per dwelling unit or business, no larger than two square feet, nor a combined area of six square feet for multiple businesses or units.

(5) Construction Signs. Signs identifying the architect, engineer, contractor, or other firm involved with building construction, and naming the building or its purpose, and the expected completion date. Only one sign per street frontage shall be allowed not to exceed 12 square feet in residential zones, 24 square feet in professional zones, or 32 square feet in all other zones. If there is only one street frontage, more than one sign may be allowed provided the total sign area does not exceed the maximum specified above. These signs shall be removed 14 days after the building is ready for occupancy.

(6) Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. Signs are limited to one double-faced sign per property not to exceed six square feet in residential zones, 24 square feet in professional zones, or 32 square feet in all other zones. A real estate sign advertising a development of multiple properties, such as a subdivision or industrial park, shall not exceed one square foot per lot, with a maximum size of 32 square feet in total area. For multiple properties, one sign of the maximum size may be allowed on each street frontage; provided, that the signs are 400 feet apart measured along the frontage.

(7) Vehicle Signs. Signs painted on or permanently affixed to lawfully parked and operable motor vehicles or trailers.

(8) Window Signs. Signs affixed to or painted on the inside or outside of windows and visible from the exterior of a structure.

(9) Political campaign signs.

(10) Special Event Signs. Signs or outdoor displays of a temporary nature advertising or promoting a specific event, seasonal or holiday decoration or display. These signs may contain or consist of banners, posters, pennants, ribbons, streamers, flags or other similar moving devices.

(11) Attraction Devices. Devices, designs, or symbols which may consist of banners, windsocks, posters, pennants, ribbons, streamers, or other similar nonautomated, nonelectronic, or nonilluminated moving devices. These devices may not encroach upon a public right-of-way if they are a hazard to pedestrian or vehicular traffic. See also CBMC 17.230.040(4) for prohibitions regarding attraction devices.

(12) National, State, or City Flags. These signs shall be maintained in a manner which befits the respect due to the entities they represent.

(13) Wall-Mounted Signs. These signs shall be exempted in commercial and industrial zones.

(14) Sign Maintenance or Changing Copy. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made; changing advertising copy on a billboard, on a reader board, or on a permitted sign if that sign belongs to the same owner or advertises the same business. [Ord. 208, 1994; Ord. 93 § 3.21.3, 1987].

17.230.040 Prohibited signs.

(1) Obscene or Indecent Signs. Any visual representation or verbal description of sexual conduct, sexual excitement, sado-masochistic abuse, or excretory functions or products, as further defined in ORS 167.060 et seq.

(2) Signs Interfering with Traffic. Signs or other devices in any location which, because of position, shape, color, or animation, may interfere with, obstruct or be confused with any authorized traffic sign or highway identification sign; or which use words, "stop," "look," "danger," or other words, phrases, symbols, characters, or animation which would interfere with, mislead, distract, or confuse vehicle operators; and signs located at the intersection of streets or driveways which substantially obstruct clear vision of vehicle operators.

(3) Defunct Businesses. Signs which advertise an activity, business, product or services no longer

on the premises, including all related off-premises signs.

(4) Attraction Devices. Strings, groupings, or clusters of pennants and pinwheels shall not be permitted in the central commercial, professional, quasi-public or residential zones. [Ord. 93 § 3.21.4, 1987].

17.230.050 Special signs.

These signs require a permit and shall conform to the maintenance and safety requirements of CBMC 17.230.020 and to requirements of the underlying zone.

(1) Street Banners. Banners erected over authorized public rights-of-way which advertise events or entertainment of community interest under the sponsorship of a nonprofit organization. These banners may only be erected in places and in a fashion authorized by the community development department for a maximum of 14 days. A longer period of time may be allowed if no other organization reserves the installation.

(2) Portable Signs. Signs containing advertising copy which are not permanently affixed to a building, structure, or the ground and are designed to be moved, such as sandwich boards and signs on wheels, except political campaign and real estate signs. One portable sign per business with a maximum of two faces and 10 square feet or less per face is allowed and shall not be charged to the property's allowable sign area. Any excess size over 10 square feet shall be charged as shall additional portable signs. Portable signs may be placed in the public right-of-way fronting the business; provided, that a safety or vision clearance problem does not result.

(3) Off-Premises Signs. Signs other than a billboard which advertise a business, commodity, and/or activity which are not sold, manufactured, or conducted on the premises where the sign is located. These signs shall be charged to the property on which they are located. Therefore, the permit must be accompanied by a written documentation from the owner of the property on which the sign is to be located acknowledging this charge. To allow an unobstructed view of the bay, off-premises signs in the following locations must be wall-mounted:

(a) On the bayside of Bayshore Drive north of Elrod Avenue.

(b) On the bayside of South Empire Boulevard south of Newmark Avenue.

(c) On the bayside of 6th Avenue south of "F" Street.

(4) Billboards. Off-premises signs which are generally for hire. Billboards shall only be allowed in the commercial and industrial zones, except that no billboard shall be allowed on the bayside of Bayshore Drive north of Elrod Avenue, nor on the bayside of South Empire Boulevard south of Newmark Avenue, nor on the bayside of 6th Avenue south of "F" Street.

The size of billboards shall not exceed a total of 300 square feet; back-to-back installation on one supporting structure is permitted. There shall be not more than 13 billboards permitted within the city which shall be distributed as follows:

(a) Four on Bayshore and/or Broadway between the northern city limits and Market Avenue.

(b) Two on the west side of Broadway between Elrod Avenue and the southern city limits.

(c) Two on the east side of Broadway between Golden Avenue and the southern city limits.

(d) Two on Ocean Boulevard between Pony Creek and Newmark Avenue.

(e) Two on the east side of Empire Boulevard between Newmark Avenue and the southern city limits.

(f) One on the east side of 6th Avenue between "H" Street and "F" Street.

An additional three billboards may be distributed among the streets listed in this subsection with the approval of the planning commission or the city council. [Ord. 93 § 3.21.5, 1987].

17.230.060 Standards – Residential zoning districts.

(1) General. This section shall apply to all residential zones listed in CBMC 17.230.020(4).

(2) Size.

(a) Each dwelling unit, including home occupations, shall be allowed one sign with a maximum of two faces not to exceed two square feet in area per face.

(b) Subdivisions, factory-built home parks, planned unit developments, other housing complexes, and all other uses without structures thereon shall be allowed one additional sign with a

maximum of two faces not exceeding 24 square feet in area per face to identify the premises.

(c) Group residential and multiple-family dwellings shall be allowed the greater of either:

(i) One wall-mounted or double-faced freestanding sign not to exceed 15 square feet, or

(ii) One wall-mounted sign not to exceed 10 percent of the property's lot frontage.

(d) Commercial and civic uses shall be allowed both signs under subsection (2)(c) of this section, except that the smaller sign shall be oriented to a parking area or to the other street frontage on a corner lot.

(3) Location.

(a) In addition to the requirements of CBMC 17.230.020(1), freestanding signs shall be set back at least 10 feet from the property line and shall not be placed within the vision clearance area or in a manner which obstructs vision or vehicular traffic.

(b) Building-mounted signs shall be placed flat against the wall and shall not project from the building nor above the roofline. No sign shall be roof-mounted.

(4) Height. Free-standing signs shall not exceed five feet in height from grade to the top of the sign. There are no height limitations for wall-mounted signs, except that no part of the sign shall extend above the roofline.

(5) Content. Signs for residential uses shall only bear the name of the occupant and address, and the occupation if the sign advertises a home occupation. The additional sign allowed under subsections (2)(b) and (c) of this section shall only identify the complex. The content of signs for commercial and civic uses is not restricted.

(6) Lighting. No interior illumination or flashing, moving, or animated lights shall be allowed. [Ord. 93 § 3.21.6, 1987].

17.230.070 Standards – Commercial and industrial zoning districts.

(1) General. This section shall apply to all commercial and industrial zones established by the land development ordinance, except the zoning districts regulated by CBMC 17.230.080.

(2) Size.

(a) The total allowable sign area, exclusive of wall-mounted signs, for each frontage shall be based upon either the lot or building frontage of the business along a publicly dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one square foot for each linear foot of lot frontage, or at one and one-half square feet for each linear foot of building frontage, whichever is greater. Each sign shall be limited to two faces and no individual sign shall exceed 300 square feet per face. However, all businesses shall be allowed a minimum of 37.5 square feet of sign area per face, regardless of the amount of frontage.

(b) Multi-Story Buildings. Ground floor businesses of multi-story buildings shall be entitled to 100 percent of the maximum allowable sign area computed for the building based upon the lot or building frontage. Different businesses above the ground floor shall share 50 percent of that sign area amount.

(c) Shopping Centers. Each business in a shopping center shall be allowed sign area based upon the business's building frontage on a public right-of-way or parking lot. In addition, the shopping center shall be allowed one double-faced sign on each right-of-way, each not exceeding 100 square feet per face, which shall identify the center itself and may also identify businesses in the center.

(3) Location and Placement. A sign shall be placed to have exposure from the frontage on which it is computed, in compliance with CBMC 17.230.020(1) and as follows:

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

(b) Marquee Signs. Marquee signs, including signs on awnings or canopies, shall have a minimum clearance of eight feet from the grade of the pedestrian way to the bottom of the sign, and shall not project closer than two feet to any curbline.

(c) Signs Computed by Parking Lot Frontage. Signs computed on building frontage along a parking lot shall be painted on the building or flush-mounted on the wall surface of the building, and shall not extend above the top of the wall.

(4) Height. Signs shall not exceed 30 feet in height measured from grade to the highest element of the sign. This requirement shall not apply to

signs affixed to the walls or to the roof. [Ord. 93 § 3.21.7, 1987].

17.230.080 Standards – Professional districts.

(1) General. This section shall apply to the medical park and residential/professional zones established by the land development ordinance.

(2) Size.

(a) Each building of a commercial or civic use shall be allowed either one double-faced sign no greater than 24 square feet or two single-faced signs no greater than 24 square feet each.

(b) Residential uses shall conform to the requirements of CBMC 17.230.060(2)(a), (b), and (c).

(3) Location and Placement. Signs may be located anywhere on the property, except in compliance with CBMC 17.230.020(1) and as follows:

(a) Residential Signs. Free-standing signs shall be set back at least 10 feet from the property line and shall not be placed within the vision clearance area or in a manner which obstructs vision or vehicular traffic. There shall be no roof-mounted signs.

(b) Commercial and Civic Uses. Signs shall not project over public property.

(4) Height. Free-standing signs shall not exceed five feet in height from grade to the top of the sign. There are no height limitations for wall-mounted signs, except that they shall not extend above the roofline.

(5) Lighting. No flashing, moving, or animated lights shall be allowed. [Ord. 93 § 3.21.8, 1987].

17.230.090 Standards – Quasi-public districts.

(1) General. There shall be no special requirements applied in the quasi-public zones established by the land development ordinance, except that:

(a) All Zones. No flashing, moving, or animated signs shall be allowed, score boards excluded. Electronic reader boards no larger than 50 square feet are allowed in QP-3 zones provided staff finds the reader board is compatible with uses in the surrounding zones and written notice of the decision is sent to the planning commission and all property owners within 250 feet of the subject property.

(b) Buffer District (QP-5). Signs shall be limited to directional and informational signs associated with permitted uses and shall not be over one and one-half square feet. [Ord. 176, 1991; Ord. 93 § 3.21.9, 1987].

Chapter 17.235

MANUFACTURED HOME SPECIAL SITING STANDARDS

Sections:

17.235.010 Type and size.
17.235.020 Siting requirements.
17.235.030 Roof.
17.235.040 Siding.
17.235.050 Insulation.
17.235.060 Unauthorized location.

17.235.010 Type and size.

The manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet. [Ord. 398, 2007; Ord. 93 § 3.22.1, 1987].

17.235.020 Siting requirements.

The home shall be enclosed at the perimeter with a concrete or concrete masonry wall which extends from the bottom of the excavated area to the underside of the manufactured home. Said wall must be trimmed at the meeting with the home to approximate the appearance of a concrete foundation for a conventional single-family dwelling. [Ord. 402, 2008; Ord. 398, 2007; Ord. 93 § 3.22.2, 1987].

17.235.030 Roof.

The manufactured home must have a sloping roof with a minimum pitch of three feet in height for each 12 feet in width. [Ord. 398, 2007; Ord. 93 § 3.22.3, 1987].

17.235.040 Siding.

(1) The manufactured home must have conventional wood or textured siding material and have a shake or shingle roof.

(2) Deviation to this standard is allowed if the owner can document the manufactured home's siding or roofing material is comparable to the predominant materials used for single-family dwellings located 250 feet from the external property boundaries. [Ord. 398, 2007; Ord. 93 § 3.22.4, 1987].

17.235.050 Insulation.

(1) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to that required for a single-family dwelling constructed pursuant to specialty code as defined in ORS 455.010.

(2) Documentation that the home meets "Super Good Cents" energy efficiency standards is acceptable in lieu of the manufacturer's certification. [Ord. 398, 2007; Ord. 93 § 3.22.5, 1987].

17.235.060 Unauthorized location.

Manufactured homes are not permitted on property located 100 feet from the external boundaries from property identified in the State Inventory of Historic Property, the National Register of Historic Property, or property designated in the comprehensive plan as a historic district or cultural resource. [Ord. 398, 2007; Ord. 206, 1994; Ord. 93 § 3.22.6, 1987].

Chapter 17.240

EMPIRE WATERFRONT SETTLEMENT DESIGN REVIEW

Sections:

17.240.010 Purpose.
17.240.020 Definitions and exemptions.
17.240.030 Architectural design.

17.240.010 Purpose.

The provisions of this chapter are intended to:

(1) Provide a mechanism to promote the educational, cultural, economic, and general welfare of the community.

(2) Provide an opportunity to reclaim the waterfront heritage setting and to guide private and public development in a direction that strengthen a relationship with that setting.

(3) Guide the construction of private and public development to evoke the architectural styles which existed in Empire from the mid-to-late 1800s.

Common architectural styles of the time period include Cascadian Rustic, Plank Styles, False Front, Salt Box, Queen Anne and Victorian. [Ord. 302, 2001; Ord. 93 § 3.23.1, 1987].

17.240.020 Definitions and exemptions.

(1) The design area includes lots or parcels abutting Newmark Avenue or any portion of a structure that is contiguous to a structure located on a lot or parcel abutting Newmark Avenue. The design area extends west along Newmark Avenue from the intersection of Ocean Boulevard to Empire Boulevard. All development must comply with an architectural design review according to Chapter 17.390 CBMC.

(2) For commercial uses and the purposes of this chapter, "development" is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window (size/pattern/material), siding or detailing on the exterior of any existing building. Alterations to a structure are considered development when there is a change in design, material or external appearance.

(3) The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any building or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.

(4) Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.

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

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

(5) The color of paint or stain to be applied to the exterior of the building that is visible from Newmark Avenue is a ministerial decision to be made by the community services director, or designee. The proposed colors must be from, or similar to, the community services historical color palette, located in the community services department.

In a 12-month period, if less than 10 percent of the paintable wall area, visible from Newmark Avenue, is to be covered with the building's existing paint color or stain, approval of the color is not necessary. [Ord. 302, 2001; Ord. 93 § 3.23.2, 1987].

17.240.030 Architectural design.

The architectural design review goals and standards are intended to supplement the development standards of the general commercial (C-2) zoning district. Where the provisions of this section conflict with the provisions of the zoning district, the stricter shall apply.

(1) Intent. The intent of the architectural design review goals and standards is to ensure that proposals for development evoke the appearance of the prevailing architectural styles of buildings as they might have existed if constructed in the Empire area during the mid-to-late 1800s. For the purposes of this chapter, these styles are referred to as the "designated historic styles." "Historical Buildings of Empire and Front Street," a notebook of photographs from the historical time period, is available

for review at the community services department, planning division.

(2) Architectural Design Review Goals and Standards. In order to be approved, a design proposal must comply with both the architectural design review goals and standards.

(a) Architectural design review goals are the conceptual framework establishing the underlying objectives to be achieved by development in the design area. Architectural design review standards are the approval criteria developed to implement the architectural design review goals and used to review development.

(b) Architectural design review standards are mandatory approval criteria used in the design review process. A design review application will be approved if the review body finds the applicant has shown the proposal complies with the architectural design review standards; provided, however, one or more of the architectural design review standards may be waived as part of the design review process if the applicant can demonstrate the proposal satisfies the architectural design review goals for the design area.

(c) The factors which will be used in the evaluation process include architectural style of the proposal; compatibility with scenic values and architectural resources in the design area; design quality; structural placement; dimensions; height; bulk; lot coverage by structures; exterior appearance of the building; open areas; and landscaping.

(3) Architectural Design Review Goals.

(a) Building Design – Massing. "Massing" is defined as a composition of two-dimensional shapes or three-dimensional volumes, which gives the impression of weight, density and bulk. If the following architectural design review goals are met in the architectural design of development, acceptable massing may be accomplished:

(i) Design should result in buildings with a perceived size that maintains a human scale that is comfortable for and attractive to pedestrians;

(ii) Design should result in a quality street environment that is attractive to pedestrians and development;

(iii) Buildings of historic significance and merit should be preserved. Maintain or restore as many of the proportions, dimensions and architectural details of historical significance which were original or added to the building during the designated historic period (the identified historic building in the design area is the house at 476 Newmark Avenue);

(iv) New or remodeled structures abutting or directly across from a building that has been identified as historic should be designed so as to preserve, and not detract from, the historic context and merit of the building; and

(v) Buildings should have consistent visual identity from all sides visible to the general public from Newmark Avenue.

(b) Building Design – Articulation. "Articulation" is defined as the emphasis given to architectural elements (such as windows, balconies, entries, etc.) that create a complementary pattern or rhythm dividing large buildings into smaller identifiable pieces. If the following design review goals are met in the architectural design of development, acceptable articulation may be accomplished:

(i) Doors and window patterns should evoke buildings constructed during the designated historic period; and

(ii) Finish materials, details and colors should evoke the designated historic styles and period.

(c) Signage. Design for signs should emulate signage that existed during the designated historic period.

(4) Architectural Design Review Standards. The purpose of the architectural design review standards, along with the notebook, "Historical Buildings of Empire and Front Street," is to serve as a resource for designing development that will satisfy the architectural design review goals of the architectural design review standards for the design area. Design proposals may be approved if the following architectural design review standards are met in the architectural design of development:

(a) Building Design – Massing.

(i) Use articulation on either new or existing building facades to reduce the bulk of buildings. Methods include, but are not limited to, the following:

(A) Modulation;

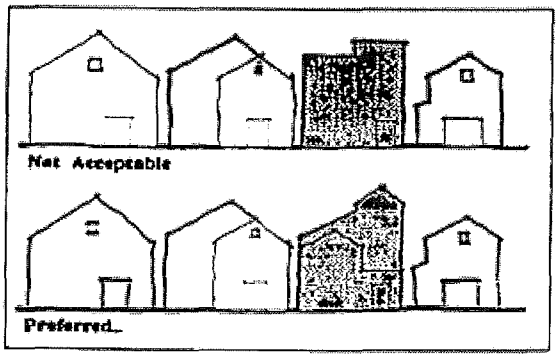
(B) Broken rooflines; or

(C) Building elements such as balconies, chimneys, porches or other entry details, and landscaping.

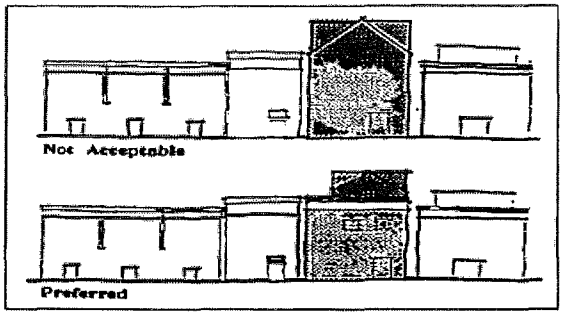
(ii) Use architectural features such as cornices or other details that lower the apparent height of the building.

(iii) Place display windows at the street level around the exterior of larger commercial buildings.

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



Rooflines can reinforce the architectural character of a street.



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

(iv) Larger building facades shall be broken down into units that resemble the size of storefront facades from the historical era. When the front elevation of a structure is more than 750 square feet in area, divide the elevation into distinct areas by:

(A) Creating a bay window or other building extension of at least one foot or more from the main structure;

(B) Creating a roof pediment that is the full width of the structure; or

(C) Setting part of the facade back one or more feet from the rest of the facade.

(v) For existing buildings of historic significance:

(A) Restore or retain as many historic features as possible;

(B) Maintain or restore original proportions, dimensions and architectural elements;

(C) Select paint and material colors which are historically accurate, coordinate the entire facade, and do not conflict with adjacent buildings; and

(D) Consult available historical resources such as the Coos Historical Society, private historians or photographic archives.

(vi) At locations across from, abutting or adjacent to buildings of historical significance:

(A) Use a roofline that emulates the historic building;

(B) Use doors, windows, materials and details similar to the historic building; and

(C) Break up the building facade using articulation which reflects the scale and proportions of the historic building.

(vii) Flat roofs are permitted with detailed stepped parapets.

(viii) The facade must be designed to emphasize the center or primary entrance(s).

(ix) Continue exterior materials, architectural detailing, and color scheme around all sides of the building visible to the public from Newmark Avenue. Buildings must present an equivalent level of quality of materials, detailing and fenestration on all sides visible to the general public from Newmark Avenue.

(x) Reserve bright colors and black for trim or accents unless it is consistent with the architectural style.

(xi) Use of reflective exterior materials where glare would shine into nearby buildings is prohibited.

(b) Building Design – Articulation – Finish Materials.

(i) Facades shall be varied and articulated to provide visual interest to pedestrians.

(ii) Buildings should use wood or simulated wood products as their exterior finish mate-

rial on elevations exposed to view from locations accessible by the public.

(iii) Plain plywood or grooved plywood panels should not be used as exterior finish materials on elevations exposed to view from locations accessible by the public.

(iv) Concrete or concrete block should not be exposed to view as exterior finish materials except for foundation walls not extending more than one foot above the finished grade level adjacent to the wall.

(v) Metal siding is prohibited for exterior walls.

(vi) The design, detailing and trimming of the rooflines, porches, windows, doors and other architectural features should be in a manner that is in keeping with the designated historic styles.

(vii) Glass should be clear, lightly tinted or ornamental stained glass. Translucent glazing should be used only for restrooms.

(viii) Roofing materials exposed to view should be wood shingles, composition roofing, or wavy corrugated metal roofing (rather than bold rib, box rib or v-beam) in a subdued color that is in keeping with the historic styles noted. Decorative features such as cupolas, cresting, chimneys, barge (rake), and soffit/fascia trim are encouraged if it is consistent with the architectural style.

(ix) Light fixtures should be integrated with architectural elements. Decorative light fixtures that are in keeping with the historic styles are encouraged.

(x) Exterior light fixtures must not compete with city-furnished sidewalk period lights. Building lights should be metal halide or incandescent and are to be directed away from pedestrians and street traffic so as to avoid glare.

(5) Signage Standards. The standards below are in addition to the standards in Chapter 17.230 CBMC. If the provisions conflict, the stricter shall apply. A sign permit is required which will be reviewed by staff.

(a) Signs must be consistent with the character of the facade, the building on which they are situated and the abutting and adjacent area. Review for consistency includes, but is not limited to, evaluation of size, shape, position, materials and illumination in relationship to the facade and abutting and adjacent developments.

(b) Signs on a business front are limited to a building sign on each building face (identifying the building name), a sign for each business entry (vehicular or pedestrian), and interior painting of streetfront windows.

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

(d) All signs shall:

(i) Be of an appropriate size and design;

(ii) Be sited sympathetically on the building;

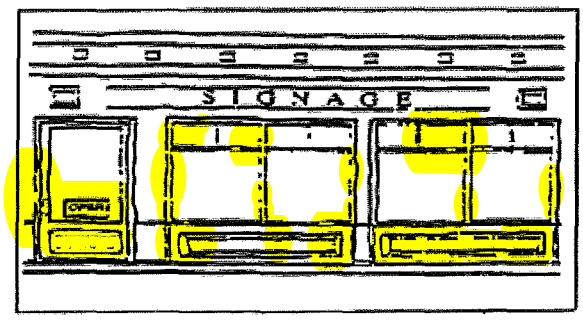
(iii) Not obscure or remove detailing on the building;

(iv) Be designed as part of the building and not treated as an unrelated addition; and

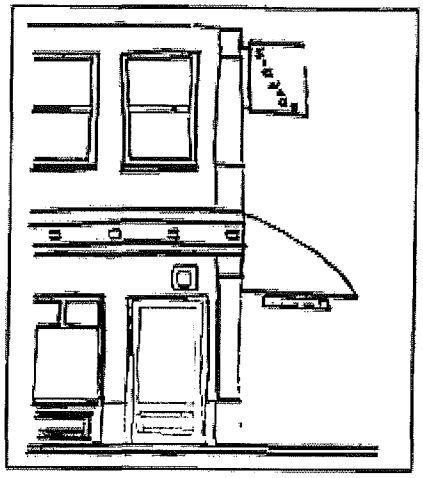
(v) Be related to the style and character of the building or area.

(e) Allowed Sign Types.

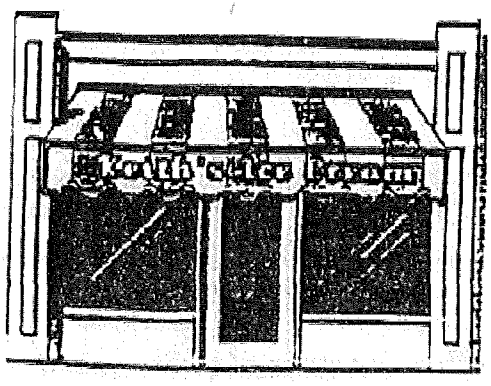
(i) Wall/Fascia Sign. A "wall/fascia sign" is defined as the vertical surface of a wall/fascia which is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.



(ii) Projecting or Hanging Sign. A "projecting or hanging sign" is defined as a sign where the message area is displayed perpendicular to the building facade.



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



(iv) Roof Sign. Any sign that is displayed upon or supported in any way by a roof.

(A) Roof signs are discouraged.

(B) Where the design of a building dictates that a roof sign is necessary, the sign must:

(I) Be related to the style and character of the building or area; and

(II) Not project above the roof ridge line.

(v) Marquee Sign. A "marquee sign" is defined either as a fascia sign or a projecting sign or awning sign which contains moveable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.

(vi) Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed for up to 45 days without approval of a sign permit.

(vii) Miscellaneous. In addition to the above sign types, other types of signing may be appropriate if it meets the criteria listed in subsections (5)(a) through (e) of this section.

(viii) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current is prohibited.

(ix) Pole-Mounted or Freestanding Sign. These signs are subject to review.

(x) Sandwich Board. These signs are prohibited.

Table 17.240.030 – Proposed Historic Color Palette for the Empire Historic District

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

Note: HC = Historic colors from Benjamin Moore Paints.

[Ord. 302, 2001; Ord. 93 § 3.23.3, 1987].

Division IV. Special Site Development

Chapter 17.245

GENERAL

Sections:
17.245.010 General provisions.

17.245.010 General provisions.

Numerous land uses may be permitted upon review by the planning commission as to the suitability and compatibility of the use with the land. Other kinds of development are permitted with special siting standards; in order to guide the applicant and the commission, this section sets forth specific standards which must be met by special development or by conditional uses. [Ord. 93 § 4.1, 1987].

Chapter 17.250

ACCESSORY APARTMENTS

Sections:
17.250.010 General provisions.

17.250.010 General provisions.

(1) Separate ingress and egress must be provided to the outside of the accessory apartment.

(2) Structure shall have existed prior to January 1, 1980.

(3) Required off-street parking is provided for each unit.

(4) Proof that the dwelling units comply with all state and local requirements must be shown. [Ord. 93 § 4.2, 1987].

Chapter 17.255

CLUSTER DEVELOPMENT

Sections:

17.255.010 General.
17.255.020 Uses.
17.255.030 Property development requirements.

17.255.010 General.

The purpose of permitting cluster development is to provide an alternative to conventional lot and block residential design. It is intended to preserve and enhance open space and natural amenities, maximize the use of land with severe topographical constraints, and may be used to provide solar and wind access. Variation in lot sizes and yards are permitted while maintaining the overall density required by the underlying zoning district. [Ord. 93 § 4.3.1, 1987].

17.255.020 Uses.

The uses in the development shall conform to the requirements of the underlying zoning district. [Ord. 93 § 4.3.2, 1987].

17.255.030 Property development requirements.

(1) Area. The land area of the cluster development shall be composed of contiguous parcels or lots.

(2) Exceptions. All other property development requirements of the underlying zoning district shall apply with the following exceptions:

(a) Lot Size. The minimum individual lot size shall not be reduced more than 50 percent of the minimum square footage specified by the underlying zoning district.

(b) Lot Frontage. Lot frontage requirements shall not apply.

(c) Yards. Yard requirements of the zoning district shall only be applied from the development perimeter and from dedicated rights-of-way. All other yard standards shall meet the International Building Code.

(d) Building Coverage. Total building coverage within the development shall not exceed the amount of the lot coverage standard of the underlying zoning district.

(3) Parking. The parking requirements specified in Chapter 17.200 CBMC, Off-Street Parking and Loading, must be met but can be satisfied on the individual lots and/or on the commonly owned property.

(4) Recreation and Open Space. The following specific standards shall apply in addition to the general requirements for recreation and/or open space found in Chapters 17.185 and 17.190 CBMC:

(a) Minimum Area. Open space and recreational area shall be provided as compensation for the individual lot reductions permitted by this development option. Depending upon the underlying zoning district, the difference between the reduced lot size and that specified as a minimum for the underlying district shall be aggregated and permanently preserved and maintained as commonly used property in the following proportion: 90 percent open space use, 10 percent recreational use.

(b) Plan. A plan shall be submitted containing the following:

(i) A map delineating the boundaries of the proposed area.

(ii) Written explanation of the purpose of the area and a description of any improvements to be made.

(iii) Description of the manner in which the area will be perpetuated, maintained, and administered.

(c) Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the public works and development department before the occupancy of any dwelling. [Ord. 93 § 4.3.3, 1987].

Chapter 17.260

HOME OCCUPATION

Sections:

17.260.010 General.
17.260.020 Employees.
17.260.030 Area.
17.260.040 Structure.
17.260.050 Equipment and storage.
17.260.060 Deliveries.
17.260.070 Traffic and parking.
17.260.080 Signs.
17.260.090 Licensing.
17.260.100 Revocation.

17.260.010 General.

(1) It is the intent of these provisions to assure that home occupations do not infringe upon the rights of other residents or alter the residential character of the area.

(2) All home occupations are subject to the approval of a special permit by submitting an application to the public works and development department.

(a) Staff-Approved. Except for those home occupations under subsection (2)(b) of this section, home occupations may be approved by staff; provided, that all the requirements listed in this chapter are satisfied by the applicant. However, staff may refer the review and approval of any permit to the planning commission. Any decision of the staff may be appealed to the commission in accordance with Chapter 17.305 CBMC.

(b) Planning Commission Approval. Home occupations with the following characteristics are permitted only after securing a conditional use permit in accordance with Chapter 17.355 CBMC. All other requirements listed in this chapter must also be satisfied by the applicant.

(i) Retail sales on the premises.

(ii) More than one nonresident employee or associate working on the premises some or all of the time. The permit shall be effective for three years. Extensions may be approved by filing a new conditional use application. [Ord. 93 § 4.4.1, 1987].

17.260.020 Employees.

One nonresident associate or employee may be allowed to work on the premises some or all of the time. [Ord. 93 § 4.4.2, 1987].

17.260.030 Area.

The use shall not occupy more than 30 percent of the existing building coverage of the property. [Ord. 93 § 4.4.3, 1987].

17.260.040 Structure.

(1) The character and use of the residence and premises shall not be changed, for example by the use of colors, materials, design, construction, lighting, landscaping, or lack of landscaping.

(2) There shall be no special remodeling or major structural alterations of the interior or exterior of the structure which change its residential use and appearance. [Ord. 93 § 4.4.4, 1987].

17.260.050 Equipment and storage.

(1) No material or mechanical equipment shall be used that will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, smoke, odor, interference with radio or television reception, or other factors.

(2) There shall be no outside storage of equipment, products, or materials used in or serviced by the home occupation, other than plant materials. [Ord. 93 § 4.4.5, 1987].

17.260.060 Deliveries.

No materials or commodities shall be delivered to or from the property which are of bulk or quantity to require delivery by a commercial vehicle or trailer, except such vehicles as a UPS or postal service truck. [Ord. 93 § 4.4.6, 1987].

17.260.070 Traffic and parking.

Vehicles associated with the home occupation shall not cause a disturbance or inconvenience to nearby residents. [Ord. 93 § 4.4.7, 1987].

17.260.080 Signs.

Only one nonilluminated sign shall be permitted which shall not exceed two square feet and shall bear only the name and/or occupation of the resident. [Ord. 93 § 4.4.8, 1987].

17.260.090 Licensing.

An application for a business license shall be filed and approved. [Ord. 93 § 4.4.9, 1987].

17.260.100 Revocation.

A home occupation permit with staff approval may be revoked if it is determined by the planning commission that one of these criteria has been violated. The violation shall be reviewed at a hearing after due notice is given to the permittee and any complaining parties. [Ord. 93 § 4.4.10, 1987].

Chapter 17.265

CONVENIENCE SALES AND PERSONAL SERVICE

Sections:

17.265.010 Residential certified factory-built home park (R-5).
17.265.020 All other districts where permitted.

17.265.010 Residential certified factory-built home park (R-5).

(1) Area. The park must have a total area of at least 10 acres.

(2) Restriction. The use provides the sale of retail goods which meets the daily shopping needs of the park residents.

(3) Structure. The building shall retain a residential appearance.

(4) Parking. Required off-street parking is provided.

(5) Signs. No additional advertising shall be permitted. [Ord. 93 § 4.5.1, 1987].

17.265.020 All other districts where permitted.

(1) Restriction. Commercial uses may be permitted in some residential districts only if these uses provide a service or sale of retail goods which meets the daily shopping needs of the neighborhood. The hours of operation may be regulated.

(2) Location. The use shall be located on an arterial or collector street.

(3) Parking. Required off-street parking is provided.

(4) Screening. Buffering designed to obscure the view of the use from abutting residential property shall be required. This buffering shall be achieved by solid fencing or a solid hedge of vegetation. [Ord. 93 § 4.5.2, 1987].

Chapter 17.270

PLANNED UNIT DEVELOPMENT

Sections:

17.270.010 General.
17.270.020 Permits required and initiation.
17.270.030 Preapplication.
17.270.040 Application.
17.270.050 Property development requirements.
17.270.060 Fees.
17.270.070 Requirements for improvements.
17.270.080 Filing.

17.270.010 General.

The planned unit development process is established to encourage the development of single tracts of land as one project. Deviation from specific site standards is allowable as long as the general purposes for the standards are achieved as the general intentions of this title are observed. This overall planned approach is appropriate if it maintains compatibility with surrounding areas and creates an attractive, healthful, efficient, and stable environment. It is the intent of the planned unit development to:

(1) Achieve a more efficient utilization of land through shared facilities and services, thereby economizing on development costs.

(2) Afford innovative design opportunities rather than the conventional lot-and-block land use so that a developer gains freedom in the placement and uses of buildings and open space, and in the design of facilities and traffic circulation systems.

(3) Maximize development potential of building sites constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions. [Ord. 93 § 4.6.1, 1987].

17.270.020 Permits required and initiation.

When required, the right to proceed with a planned unit development shall be determined through the conditional use permit process. Development design of the site shall be reviewed through site plan and architectural review. However, depending upon the marketing of the land, this review may be replaced by subdivision or major partitioning procedures. Substantial design changes in approved plans shall be approved under the same procedure.

Application for these permits can be initiated by the property owner or authorized representative. [Ord. 93 § 4.6.2, 1987].

17.270.030 Preapplication.

The applicant shall submit to the public works and development department a sketch plan and discuss the proposed development in relation to:

(1) City comprehensive plan.

(2) State law requirements.

(3) Land development ordinance and other city policies.

(4) Special problems associated with the land or proposed development.

(5) General design of all streets and utilities, particularly affecting on-site and adjacent property development.

Changes or modifications in the sketch plan shall be discussed by city staff and other appropriate agencies to provide all parties an understanding of the full scope of the proposed development. [Ord. 93 § 4.6.3, 1987].

17.270.040 Application.

Application requirements are specified under Chapter 17.345 CBMC, Site Plan and Architectural Review, and/or Chapter 17.335 CBMC, Land Division – Partition II and Subdivision. [Ord. 93 § 4.6.4, 1987].

17.270.050 Property development requirements.

(1) Minimum Area. A planned unit development shall require a minimum gross area of two acres.

(2) Permitted Uses. Any uses permitted or conditional in any residential zone of the city may be permitted in the residential planned unit development as a part of the conditional use process, regardless of the underlying zoning district. Within commercial or industrial districts, the conditional and permitted uses of the underlying district shall be permitted.

(3) Density. The overall density permitted by the underlying zoning district shall govern the density of the development. However, an increase in overall density may be approved if the applicant satisfactorily demonstrates distinctiveness and

excellence in siting or design, or provides specific property development improvements that surpass ordinary requirements of this title.

(4) Access and Roads.

(a) There shall be vehicular and pedestrian access to the development from a dedicated and improved street.

(b) Private streets within the development shall be paved according to the following minimum standards:

(i) Eighteen feet where no on-site parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed only on one side of the right-of-way.

(iii) Thirty-six feet where parking is permitted on both sides of the right-of-way.

(iv) All private streets within a planned unit development shall be designed and constructed to city standards.

(v) An additional three feet on each side of pavement shall be designated as right-of-way area in which no construction shall take place.

(vi) All streets within the planned unit development shall be named as approved by the commission. The owner or operator of the development shall furnish, install, and maintain street signs of a type approved by the commission.

(5) Services.

(a) Fire Protection. On-site fire protection facilities shall be provided in accordance with current regulations and requirements of the city pertaining to such development.

(b) Lighting. All roads within the planned unit development shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

(6) Recreational Areas and/or Open Space (Residential Only).

(a) Minimum Area. Not less than 40 percent of the total gross area shall be so designated. Any area designated as recreational and/or open space shall contain a minimum area of 3,000 square feet with a minimum dimension of 30 feet.

(b) Plan. The plan shall contain the following:

(i) The boundaries of the proposed area.

(ii) A written explanation of the purpose of the area and a description of any improvements to be made.

(iii) A description of the manner in which the area will be perpetuated, maintained, and administered.

(c) Guarantee. The preservation and continued maintenance of property commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the public works and development department before occupancy of any dwelling.

(7) Off-Street Parking and Loading. The provisions of Chapter 17.200 CBMC shall apply.

(8) Signs. The provisions of Chapter 17.230 CBMC shall apply. [Ord. 93 § 4.6.5, 1987].

17.270.060 Fees.

(1) Site plan and architectural review or plat filing fee.

(2) Plan Check Fee. As part of the site plan or plat review, the construction plans and specifications shall be submitted for review. At this time the applicant shall pay a plan check fee established and set by resolution of the city council. If these plans must be corrected and then rechecked, the applicant shall also pay any additional actual costs incurred.

(3) Inspection Fee. The fee for the city's ongoing inspection of street and utility improvements shall be established by resolution of the city council. This fee shall be advanced by the applicant prior to the issuance of any construction permit. Additional inspection costs incurred by the city exceeding the initial cash advance established by resolution shall be based upon actual costs and shall be paid before the city formally accepts the public improvements. Any portion of the cash advance not expended shall be refunded to the applicant after staff determines inspection is complete. The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for review.

(4) Bond, Cash, or Security Deposit for Public Improvements. A surety or performance bond, cash, or negotiable security deposit approved by the council shall be filed for the public improvements in the amount established by resolution of the city council. The deposit or bond shall be paid

prior to the issuance of any permits by the city. Terms of the bond or deposit are discussed further in CBMC 17.270.070(3). The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for final determination. [Ord. 93 § 4.6.6, 1987].

17.270.070 Requirements for improvements.

(1) Construction Plans and Specifications. As part of the site plan or plat review, the applicant shall submit to the public works and development department construction plans, profiles, and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed, and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department.

A copy of water system plans shall be submitted to public works by the applicant.

(2) Contract for Improvements. Within 48 months of approval of site plan or plat review and of the improvement plans and specifications, but prior to the issuance of any construction permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. Prior to the issuance of any construction permits, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contracted provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works and development department. Further extensions must be approved by the planning commission.

(3) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city recorder in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:

(a) Name the city as obligee.

(b) Be in a form approved by the city attorney.

(c) Be conditioned upon the final approval and acceptance of the development.

(d) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.

(e) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.

(f) Cover any costs, attorneys' fees, and liquidated damages resulting from delay or failure to meet the deadline.

(4) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

(5) Acceptance of Improvements. Upon completion of the improvements, the applicant shall submit record drawings to the public works and development department of the street and sanitary/storm sewer plan profiles. [Ord. 93 § 4.6.7, 1987].

17.270.080 Filing.

An original or exact copy of the plan of the development shall be filed within seven days of the commission approval with the public works and development department. The staff shall indicate acceptance of the map and shall keep and maintain it as a permanent record. [Ord. 93 § 4.6.8, 1987].

Chapter 17.275

COMMERCIAL RECREATIONAL VEHICLE PARK

Sections:

17.275.010 Permits required.
17.275.020 Restrictions.
17.275.030 Property development requirements.

17.275.010 Permits required.

The right to proceed with a commercial recreational vehicle park shall be determined through the conditional use permit process. Development design of the project shall be reviewed through site plan and architectural review. [Ord. 93 § 4.7.1, 1987].

17.275.020 Restrictions.

Recreational vehicles shall not remain on a single unit space continuously for more than 60 days. [Ord. 93 § 4.7.2, 1987].

17.275.030 Property development requirements.

(1) Minimum Park Area. No requirements other than necessary to comply with all state and local requirements.

(2) Unit Density. The number of units permitted shall conform to state requirements.

(3) Roads and Streets.

(a) Any of the following improvements may be required at the discretion of the public works and development department if roads and streets within a commercial recreational vehicle park are not paved:

(i) Provide gravel, oil mat, and/or durable, dustless surface to control dust.

(ii) Pave driveways and aprons to prevent debris from entering the street or right-of-way, sidewalk, or storm sewerage system.

(iii) Install grates at the access in accordance with public works specifications to catch gravel and dirt.

(iv) Provide adequate drainage to dispose of runoff.

(b) All roads and streets within parks shall be named as approved by the planning commission. The owner or operator of the park shall furnish, install, and maintain street name signs of a type approved by the public works and development department.

(4) Services.

(a) Sanitation Facilities.

(i) Restrooms and sanitary dump stations shall be provided in accordance with Oregon Health Department requirements.

(ii) Laundry facilities shall be provided with washers and dryers provided at the ratio of one washer and one dryer for each 12 unit spaces or fraction thereof. These facilities shall only be used by park occupants.

(iii) Trash receptacles shall be provided in accordance with Oregon Health Department requirements.

(iv) The owner/operator of a park shall be responsible for the sanitary condition of the park ground and buildings.

(v) No pets shall be permitted to run at large; all pets shall be leashed. Pets shall not be permitted to cause a hazard to the health of other park occupants.

(b) Utilities.

(i) All utilities shall be installed underground throughout the park.

(ii) All parks shall be connected to a supply of potable water for domestic use and to a public sanitary sewer system.

(c) Fire Protection.

(i) No unit space may be occupied that is not located within 500 feet, following the street right-of-way, of a fire hydrant. Existing unit spaces now located or occupied at a distance greater than 500 feet from an approved hydrant may continue until the park is expanded in size or number of unit spaces. At the time of expansion, the owner or operator shall have installed one or more hydrants at locations to comply with this requirement. The Coos Bay fire department shall be authorized by the owner to inspect the hydrants in accordance with current standard procedures and to require periodic tests when necessary.

(ii) No parking shall be permitted within 10 feet of a fire hydrant.

(d) Drainage. The ground surface shall be graded and furnished with drainage facilities to drain all surface water in a safe, efficient, and sanitary manner.

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

(5) Recreational Area.

(a) Minimum Area. Recreational area shall be computed at 100 square feet per unit space.

(b) Plan. The site plan shall contain the following:

(i) Boundaries of the proposed area.

(ii) Written explanation of the purpose of the area and a description of any improvements to be made.

(iii) Description of the manner in which the area will be perpetuated, maintained, and administered.

(c) Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the public works and development department before occupancy of any dwelling.

(6) Landscaping, Fences and Walls.

(a) All exposed ground surfaces in all parts of the park shall be protected and maintained with landscaping to include plant material, paving, gravel and/or other solid material that will prevent soil erosion, mud and dust within the park.

(b) If the commercial recreational park borders a residential zone, protection, containment, and buffering shall be provided by means of landscaping, fences, or a combination of both which shall provide a total of 90 percent closure between the park and the adjacent residential zone.

(c) All storage and trash areas must be enclosed by fences and/or walls and screened from public view.

(7) Off-Street Parking. The provisions of Chapter 17.200 CBMC shall apply.

(8) Unit Spaces.

(a) All unit spaces shall be provided with connections for electricity, domestic water, and sanitary sewer, unless otherwise permitted by the planning commission. In no case shall the commission allow more than 40 percent of the unit spaces provided within a park to deviate from these standards.

(b) If unit spaces within a commercial recreational vehicle park are not paved, gravel, oil mat, and/or durable, dustless surface to control dust may be required at the discretion of the public works and development department.

(9) Permanent Structures.

(a) The park office, manager's residence, laundry, recreational, storage, and sanitation buildings shall be the only permanent structures permitted within a park. Certified factory-built homes shall not be permitted within a park; except, a certified factory-built home can be used as a manager's residence in a park provided it meets all of the property development requirements in CBMC 17.120.050(4).

(b) All stationary and permanent structures erected in a park shall conform to all applicable city building regulations. [Ord. 165, 1990; Ord. 93 § 4.7.3, 1987].

Chapter 17.280

MANUFACTURING

Sections:

17.280.010 General.
17.280.020 Central commercial zoning district (C-1).
17.280.030 General commercial zoning district (C-2).
17.280.040 Hollering Place zoning district – Subdistrict HP-2.

17.280.010 General.

The characteristics and surrounding impacts of manufacturing uses are so varied that it becomes practically impossible to make a simple use classification which will comply with the overall intent statements of the commercial and industrial zoning districts. Therefore, specific standards for the siting of manufacturing businesses are established in this chapter. [Ord. 93 § 4.8.1, 1987].

17.280.020 Central commercial zoning district (C-1).

(1) General. Allowing manufacturing uses in this zoning district shall be guided by the principles that:

(a) The process requires the use of light, hand-operated machinery or equipment as opposed to automated mass production.

(b) The use is compatible with allowable commercial uses in appearance.

(c) No byproduct results that could cause on-site contamination of air, land, water, or noise quality.

(2) Permits Required. The right to proceed with a manufacturing use shall be determined through the conditional use permit process, in accordance with the provisions of this section and of Chapter 17.355 CBMC, Conditional Use. All other required state and federal permits must be secured.

(3) Property Development Requirements.

(a) Retail Sales. Direct sales to consumers of the product must be provided on the premises and made publicly known to be available.

(b) Storage of Materials or Equipment. All material, equipment, and product storage or display shall be entirely within an enclosed building.

(c) Noise. The noise generated by manufacturing uses at the property line shall not exceed permitted levels established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the applicant may be required to show written compliance with state regulations.

(d) Odor. The process shall produce no odor outside of the building which is generally accepted to be offensive.

(e) Byproducts. Any byproduct of the manufacturing process shall be disposed of off the premises. There shall be no emissions, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution outside of the building as a result of the manufacturing process. If there is doubt that the proposed use will violate these standards or if a valid complaint as been registered about these pollutants, the applicant may be required to show written compliance with state or federal regulations. [Ord. 93 § 4.8.2, 1987].

17.280.030 General commercial zoning district (C-2).

(1) General. Allowing manufacturing uses in this zoning district shall be guided by the principles that:

(a) The process requires the use of light, hand-operated machinery or equipment as opposed to automated mass production.

(b) The use is to be compatible with allowable commercial uses in appearance.

(c) No byproduct results that could cause on-site contamination of air, land, water, or noise quality.

(2) Permits Required. The right to proceed with a manufacturing use shall be determined through the conditional use permit process, in accordance with the provisions of this section and of Chapter 17.355 CBMC, Conditional Use. All required state and federal permits must be secured.

(3) Property Development Requirements.

(a) Retail Sales. None required.

(b) Storage of Materials or Equipment. All materials used in the manufacturing process shall be stored within an enclosed building. Product equipment storage or display is permitted outside.

(c) Noise. The noise generated by manufacturing uses at the property line shall not exceed permitted levels established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the applicant may be required to show written compliance with state regulations.

(d) Odor. The process shall produce no odor which is generally accepted to be offensive outside of the building.

(e) Byproducts. Any byproduct of the manufacturing process shall be disposed of off the premises. There shall be no emissions, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution outside of the building as a result of the manufacturing process. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about these pollutants, the applicant may be required to show written compliance with state or federal regulations. [Ord. 93 § 4.8.3, 1987].

17.280.040 Hollering Place zoning district – Subdistrict HP-2.

(1) General. Allowing manufacturing uses in HP subdistrict HP-2 shall be guided by the principles that:

(a) The process requires the use of light, hand-operated machinery or equipment as opposed to automated mass production.

(b) The use is to be compatible with allowable commercial/residential/recreational uses in appearance.

(c) No byproduct results that could cause onsite contamination of air, land, water, or noise quality.

(2) Permits Required. The right to proceed with a manufacturing use shall be determined through the conditional use permit process, in accordance with the provisions of this section and of Chapter 17.355 CBMC, Conditional Use. All state and federal permits must be secured.

(3) Property Development Requirements.

(a) Retail Sales. None required.

(b) Storage of Materials or Equipment. All materials and equipment used in the manufacturing process shall be stored within an enclosed building. Product display is permitted outside.

(c) Noise. The noise generated by manufacturing uses at the property line shall not exceed permitted levels established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the applicant may be required to show written compliance with state regulations.

(d) Odor. The process shall produce no odor which is generally accepted to be offensive outside of the building.

(e) Byproducts. Any byproducts of the manufacturing process shall be disposed of off the premises. There shall be no emissions, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution outside of the building as a result of the manufacturing process. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about these pollutants, the applicant may be required to show written compliance with state or federal regulations. [Ord. 432 § 3 (Exh. B), 2010].

Chapter 17.285

ACCESSORY USE OR BUILDING ON A SEPARATE LOT OR PARCEL

Sections:
17.285.010 General regulations.

17.285.010 General regulations.

An accessory use or building may be located on a neighboring lot or parcel provided:

(1) The neighboring lot or parcel is within 20 feet of the principal property; and

(2) The neighboring lot or parcel is within the same zoning district as the principal property; and

(3) A deed restriction approved by the public works and development department is filed with the county clerk which states:

> The following described property on which an accessory building is to be built (insert description of neighboring property on which accessory building is to be built) cannot be sold or otherwise transferred separate from the following described property: (insert description of property on which the principal use is located) on which the principal use is located. This restriction shall remain in effect until the City of Coos Bay Public Works and Development Department finds the accessory building is accessory to a principal use on the same property or the accessory building no longer exists.

[Ord. 153, 1990; Ord. 93 § 4.9.1, 1987].

Division V. Administrative Provisions

Chapter 17.290

AUTHORITY

Sections:
17.290.010 City council.
17.290.020 Planning commission.
17.290.030 Staff.

17.290.010 City council.

(1) Authority and Responsibility. The state has delegated the responsibility for adopting land use plans and controls to the city council. The city has adopted this code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The city council may create a planning commission or other committees for the purpose of formulating and implementing such plans and controls.

In addition, the state has authorized the council to act upon applications for certain kinds of permits or to delegate its authority to act upon such applications.

When the council grants or denies such permits, either on original review or on appeal, the council acts as a quasi-judicial body and makes quasi-judicial decisions. The council is therefore subject to the rules of procedure and evidence which govern the making of such decisions.

(2) Powers and Duties. The city council has the following powers and duties in addition to any others it may now have, be given, or confer upon itself. The city council:

(a) May adopt, amend, supplement, or repeal plans and policies for the development of the community.

(b) May adopt, amend, supplement, or repeal the text of any provisions or regulations of this title or the boundaries of the districts established on the land development ordinance map.

(c) Shall review decisions of the planning commission and staff.

(d) Shall appoint the members of the planning commission.

(e) May attend and observe any session of the planning commission.

(f) May establish a reasonable schedule of fees with respect to matters under this code.

(g) May require or receive testimony from the planning commission or staff. [Ord. 93 § 5.1.1, 1987].

17.290.020 Planning commission.

(1) Creation and Purpose. A city planning commission for the city of Coos Bay, Oregon, has been created pursuant to ORS 227.020 and Chapter 2.35 CBMC.

(2) Membership.

(a) The city planning commission shall consist of seven members to be appointed by the city council.

(b) The term of office of members of the commission shall be four years. Any vacancy in office shall be filled by the city council for the unexpired portion of the vacant term.

(c) Upon expiration of a term or vacancy, the council shall solicit applications after publicly announcing the vacancy and shall hold a ballot vote. Any person receiving a majority vote shall be appointed to the planning commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one receiving the majority vote shall be appointed to the planning commission.

(d) A member may be removed by the city council, after hearing, for misconduct or nonperformance of duty. A member who is absent from three consecutive meetings without excuse as approved by the planning commission is presumed to be in nonperformance of duty and the planning commission shall recommend to the council to declare the position vacant, unless finding otherwise.

(e) The planning commission may make and alter rules and regulations for its operation and procedures consistent with the laws of this state and with the City Charter and ordinances of the city of Coos Bay, subject to review and approval of city council. Membership shall comply with state statute.

(3) Presiding Members. At its first meeting of each calendar year, the commission shall elect a chairman and vice-chairman who shall have voting member status. When the chairman is absent, the vice-chairman shall be presiding officer. The term of office shall be one year with eligibility for reelection.

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(4) No Compensation. Members of the city planning commission shall receive no compensation but shall be reimbursed for duly authorized expenses. The city planning commission shall keep an accurate record of all expenses of the commission.

(5) Quorum. A majority of the members of the planning commission shall constitute a quorum. If a quorum cannot be obtained because of a conflict of interest, the quorum requirement shall be reduced to three for that issue only. If a quorum of three cannot be achieved by the next planning commission meeting, the issue will be remanded to the city council.

(6) Meetings. The city planning commission shall meet at least once a month. Meetings at other than regularly scheduled times may be announced at a prior meeting and thereby made a part of the record. The chairman, upon his motion, or upon the request of three members of the commission, shall call a previously unannounced special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a previously unannounced meeting shall be given to members of the commission, be delivered to the news media, posted at City Hall, and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting.

(7) Powers and Duties. The commission shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinances, or resolutions of the city and general laws of the state.

(8) The planning commission shall function primarily as a comprehensive planning body proposing policy and legislation to the city council related to the coordination of the growth and development of the community. The functions of the planning commission shall include, but not be limited to, the following:

(a) Review the comprehensive plan and make recommendations to the city council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.

(b) Formulate and recommend legislation to implement the comprehensive plan.

(c) Review and recommend detailed plans including functional plans which relate to public facilities and services, and small area plans which relate to specific areas of the community to implement the comprehensive plan.

(d) Review and make recommendations concerning any proposed annexation.

(e) Conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by this title.

(f) Advance cooperative and harmonious relationships with other planning commissions, public and semi-public agencies and officials, and civic and private organizations to encourage the coordination of public and private planning and development activities affecting the city and its environs.

(g) Study and propose, in general, such measures regarding land use as may be advisable for promotion of the public interest, health, safety, comfort, convenience, and welfare.

(h) Make and file with the city council minutes of all transactions of the commission.

(i) Assist in the development planning of funding applications for public projects. [Ord. 93 § 5.1.2, 1987].

17.290.030 Staff.

(1) Powers and Duties. The public works and development director provides professional planning assistance to the general citizens, city council, planning commission, and city manager; and is hereby authorized to interpret the provisions of this chapter and to perform such other duties in the administration of the land development ordinance as are required. Such powers and duties may be accomplished by person(s) as designated by the public works and development director.

(2) Participation by Interested Officers or Employees. No officer or employee of the city who has a financial interest in a proposal shall participate in discussions with or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest. [Ord. 93 § 5.1.3, 1987].

Chapter 17.295

DEVELOPMENT PERMITS AND PROCEDURES

Sections:

17.295.010 General.
17.295.020 General development.
17.295.030 Special development – Administrative review.
17.295.040 Special development – Planning commission review.
17.295.050 Special development – City council review.
17.295.060 Application.
17.295.070 Special development – Effective date of permit approval.
17.295.080 Appeal.
17.295.090 Fees.

17.295.010 General.

This section describes the permits and procedures relating to the development of land within the city. The building official shall not issue a permit for the construction, reconstruction, or alteration of a structure or a part of a structure for which a required special development permit has not been issued. In addition, the building official shall not issue a building permit if special conditions of a required land use permit have not been satisfied.

Development requiring permits fall in four categories depending upon the decision-making body:

(1) General development – Staff review.

(2) Special development – Administrative review.

(3) Special development – Planning commission review.

(4) Special development – City council review. [Ord. 309, 2001; Ord. 93 § 5.2.1, 1987].

17.295.020 General development.

General development applies to land use activities which are reviewed by staff. An application for a land use activity listed in this category shall be obtained and filed with the public works and development department. Staff may approve or deny the application depending upon whether the application satisfies conditions and standards specified in state specialty codes or in city ordinances. No public hearing is required, nor are any surrounding property owners notified. However, as a result of the review, staff may determine that a special permit may also be necessary. Any other special development permits must be obtained before construction or occupancy takes place. Any decision made by staff can be appealed to the planning commission and, in turn, to the city council in accordance with Chapter 17.305 CBMC. Activities which require a general development permit are:

(1) Building/construction.

(2) Erection of signs.

(3) Sewer installation.

(4) Curb cut.

(5) Demolition.

(6) Excavation and grading. [Ord. 93 § 5.2.2, 1987].

17.295.030 Special development – Administrative review.

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 public works and development 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 17.305 CBMC, except as otherwise provided. If staff cannot render a decision, it shall be referred to the planning commission.

Table 17.295.030 – Type of Special Development Permits Subject to Administrative Review

Permit	CBMC Chapter
Classification of a Use	17.315
Land Clearing, Erosion Control, and Steep Slope Areas	17.320
Land Division – Partition I	17.330
Estuarine and Coastal Shoreland Uses and Activity	17.340
Conditional Use	17.355

[Ord. 309, 2001; Ord. 215, 1995; Ord. 93 § 5.2.3, 1987].

17.295.040 Special development – Planning commission review.

Special development – Planning commission review is a type of major land use activity reviewed by the planning commission in a quasi-judicial fashion. Appeals from final decisions by the planning commission must be made to the city council in accordance with Chapter 17.305 CBMC. Table 17.295.040 lists special development permits falling in this category and the chapters of this title which establish the criteria and procedures used in making a decision.

Table 17.295.040 – Type of Special Development Permits Subject to Planning Commission Review

Permit	CBMC Chapter
Site Plan and Architectural Review	17.345
Variance	17.350
Conditional Use	17.355
Cultural Resources	17.365
Architectural Design Review	17.390

[Ord. 302, 2001; Ord. 93 § 5.2.4, 1987].

17.295.050 Special development – City council review.

Special development – City council review is a type of major land use activity where final authority is vested with the city council. These decisions may be either quasi-judicial or legislative in nature. Appeals from final decisions by the city council must be made to the state. Table 17.295.050 lists special development permits regulated in this category and the chapters of this title which establish the criteria and procedures used in making a decision.

Table 17.295.050 – Type of Special Development Permits Subject to City Council Review

Permit	CBMC Chapter
Land Division – Partition II and Subdivision	17.335
Change in Zone Designation	17.360
Dedication of Rights-of-Way or Other Public Property	17.370
Vacation	17.375
Amendments to the Plan and/or this Title	17.380
Annexation	17.385

[Ord. 320, 2002; Ord. 215, 1995; Ord. 148 § 22, 1989; Ord. 93 § 5.2.5, 1987].

17.295.060 Application.

Unless otherwise specified, application shall be made on forms obtained from the public works and development department. [Ord. 320, 2002; Ord. 93 § 5.2.6, 1987].

17.295.070 Special development – Effective date of permit approval.

(1) A permit may become effective immediately after approval by the commission, council, or staff, or may be delayed until the applicant complies with conditions attached to the approval. If the applicant fails to comply with the terms of the permit, or conditions thereof, staff shall notify the holder of the permit to provide reasons for noncompliance. Staff may authorize a 90-day period for the applicant to bring the project into compliance. If the applicant fails to do so, staff shall notify the applicant not less than 15 days before the expiration of the grace period to appear before the planning commission and show cause why approval should not be revoked. Continued noncompliance may be subject to the penalties or other enforcement action under Chapter 17.310 CBMC, Enforcement.

(2) For special development permits other than those listed in Table 17.295.030, if the development is not commenced within a reasonable time after permit approval, land use conditions in the vicinity may change and the findings which formed the basis of the approval may no longer be sup-

ported by facts. Therefore, unless a different time limit has been established by this title or commission/council action, approval for special development permits other than those listed in Table 17.295.030 shall lapse if:

(a) The authorized construction or use is not commenced within one year after approval, or, if commenced within such time, is not pursued diligently to completion; or

(b) The occupancy or use of land/building authorized by the permit has been discontinued for a period in excess of 120 consecutive days.

If circumstances beyond the control of the applicant cause delays which do not permit compliance with the established time limitation, the commission may grant extensions of time, for a period not to exceed one year for each extension, if the applicant can demonstrate the circumstances and conditions which were associated with the initial approval have not changed and that continued approval can be justified.

Applications for extensions of time must be in writing and set forth the reasons justifying the extension. The application must be filed with the public works and development department not less than 30 days before the expiration date of the initial approval or extension thereof. [Ord. 320, 2002; Ord. 93 § 5.2.7, 1987].

17.295.080 Appeal.

Any denial or decision may be appealed to the next hearing authority in accordance with the provisions of Chapter 17.305 CBMC. [Ord. 93 § 5.2.8, 1987].

17.295.090 Fees.

(1) The schedule of filing fees for a permit required by this title shall be established and set by resolution of the city council of the city of Coos Bay.

(2) Only one fee shall be required for applications needing multiple permits, whichever fee is highest. [Ord. 93 § 5.2.9, 1987].

Chapter 17.300

PUBLIC HEARINGS

Sections:

17.300.010 General.
17.300.020 Notice.
17.300.030 Hearing authority.
17.300.040 Disqualification.
17.300.050 General rules of hearing.
17.300.060 Burden and criteria (nature of proof).
17.300.070 Order of proceedings.
17.300.080 Decision.
17.300.090 Findings and order.
17.300.100 Disposition.
17.300.110 Record of proceedings.
17.300.120 Appeal.

17.300.010 General.

The following procedures govern the conduct of public hearings. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.1, 1987].

17.300.020 Notice.

(1) Published Notice. Published notice is required for proposed revisions or additions to the comprehensive plan, land development ordinance, subdivisions and vacations.

(a) Comprehensive Plan, Land Development Ordinance and Subdivision. The published notice for proposed revisions or additions to the comprehensive plan and land development ordinance and subdivisions shall be advertised in a newspaper of general circulation at least 10 calendar days prior to each public hearing.

(b) Published notice shall include:

(i) Date, time, and place of hearing.

(ii) The type of application filed (e.g., new land use regulation, title amendment).

(iii) A brief summary of the proposed use(s) or change(s) being proposed.

(iv) A statement that objections should be filed at least five days prior to the date of the hearing.

(v) A statement that the hearing is open to the public, that all interested parties are encouraged to attend, and that individuals interested in obtaining additional information should contact the public works and development department at Coos Bay City Hall prior to the hearing.

(c) Vacation. The published notice for a proposed vacation shall be advertised in a newspaper of general circulation once each week for two consecutive weeks prior to the hearing. The last advertisement shall not be less than seven days prior to the hearing.

(i) The notice shall include:

(A) The nature of the pending vacation and the date, time and place of the hearing;

(B) A description of the area proposed to be vacated by the petition which may include, but is not limited to, any of the following: a map, postal address, legal description, or tax map designation;

(C) The date the petition was filed and the name of at least one of the petitioners; and

(D) That objections or remonstrances to the petition may be made in writing and filed with the department prior to the time of the hearing, and that such objections or remonstrances will be considered at the time of hearing.

(ii) Within five days after the first publication date, a copy of the notice will be posted in at least two conspicuous places in the proposed area to be vacated. The posting and first day of publication of such notice shall be not less than 14 days before the date of the initial hearing.

(2) Mailed Notice. For quasi-judicial hearings, notice shall be sent to all property owners within 250 feet of the external legal boundaries of the property described in the application. The notice must be mailed at least 20 days before the hearing; or, if two or more hearings are required, the notice must be mailed at least 10 days before the hearing. However, for legislative acts which propose to amend the comprehensive plan or any element thereof, notice must be mailed at least 20 days, but not more than 40 days, before the first hearing.

For the purposes of this subsection, "property owners" shall be those persons identified as owners on the latest adopted tax rolls of Coos County.

The applicant shall provide, at the time of the application, a list of the last known name and address of owners shown on the latest adopted tax rolls of Coos County. Failure of a property owner to receive written notice shall not invalidate any action taken by the planning commission or city council, if a good faith attempt was made to comply with the requirements of this title for notice.

(a) Mailed notice shall include:

(i) Date, time and place of hearing;

(ii) A reasonably written description of the location of the subject property which may include, but is not limited to, any of the following: map, postal address, legal description, or tax map designation;

(iii) The nature of the pending issue or proposed use;

(iv) A list of the applicable criteria upon which the decision will be based;

(v) A statement that written comments addressing the findings necessary for a decision may be submitted prior to the hearing;

(vi) A statement that failure to raise an issue during a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal based on that issue;

(vii) A general explanation of the requirements for testimony and conduct of the hearing;

(viii) A statement that the application material is available for inspection or can be copied at a reasonable cost and staff reports may likewise be inspected seven days prior to the hearing;

(ix) The name and telephone number of a local government representative who may be contacted for additional information.

(b) Notice of a public hearing for change of zone shall be mailed to the owner of a "public use airport," as determined by the Oregon Department of Aviation, if the subject property is:

(i) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(ii) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(c) For the vacation of a street, alley or public place, notice shall be mailed to all property owners within 250 feet of the external legal boundaries of the area to be vacated.

(d) Notice of a proposed change in zone designation for mobile home parks shall be mailed to each mailing address for tenants in the park not less than 20 days, but not more than 40 days, prior to the hearing.

(e) Land division – Partition II, subdivision (Chapter 17.335 CBMC), written notice of a public

hearing on a variance (Chapter 17.350 CBMC), conditional use (Chapter 17.355 CBMC), change in zone (Chapter 17.360 CBMC), and title amendment (Chapter 17.380 CBMC) shall be sent to the Oregon Department of Transportation, the Port of Coos Bay, Coos County, and the city of North Bend.

(3) Additional mailed notice shall be required not less than 20 days, but not more than 40 days, before the date of the first hearing for a proposal which would amend the existing comprehensive plan, or any element thereof, to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan. The notice shall contain the information prescribed by ORS 227.186(5).

For the purposes of this subsection only, property is "rezoned" when the city:

(a) Changes the base zoning classification of the property; or

(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone. [Ord. 344, 2004; Ord. 320, 2002; Ord. 171, 1991; Ord. 148 § 20, 1989; Ord. 93 § 5.3.2, 1987].

17.300.030 Hearing authority.

The planning commission is designated as the initial hearing authority for specific types of development proposals which require a quasi-judicial hearing. Upon motion and upon majority vote of the city council, a hearing officer may be appointed to act as the hearing authority in place of the city council. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.3, 1987].

17.300.040 Disqualification.

(1) No member of a hearing body shall participate as a hearing officer in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

(a) Any of the following persons have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(b) The member has a direct private interest in the proposal.

(c) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

(2) A member of a hearing body who owns property within the area entitled to receive notice of the public hearing shall state this fact as a potential conflict of interest. If the member's impartiality or ability to vote on the matter is not impaired, the member shall so state and shall participate or abstain.

(3) Any proponent or opponent of a proposal to be heard by the hearing body may challenge the qualification of any member to participate in the hearing and decision. This challenge must state facts in writing, by affidavit, relating the person's bias, personal interest, or other facts which would preclude the member of the hearing body from participating in an impartial manner. This challenge shall be delivered to the city recorder not less than 48 hours preceding the time set for public hearing. The challenge shall be incorporated into the record of the hearing.

(4) No officer or employee of the city who has a financial or other private interest in a proposal shall participate in discussion or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest.

(5) Hearing body members shall reveal any significant prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain. Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

(6) An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body,

and making full disclosure of status or position at the time of addressing the hearing body.

(7) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member states that he has reviewed the evidence received. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.4, 1987].

17.300.050 General rules of hearing.

(1) Persons may speak only after being recognized by the presiding officer and must state their full name and address for the record.

(2) The hearing body will consider only testimony and information that is relevant to the issue of the requested change, and will not allow immaterial or repetitious testimony. (Also see CBMC 17.300.070(1).) [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.5, 1987].

17.300.060 Burden and criteria (nature of proof).

(1) The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent.

(2) The proposal must be supported by proof that it conforms to the applicable elements of the comprehensive plan and to applicable provisions of this title, especially the specific criteria set forth for the particular type of decision under consideration.

(3) The applicant and any opponents may submit to the hearing body a set of written findings or statements of factual information which are intended to demonstrate the request is in compliance or noncompliance with the required criteria.

(4) All of the documents or evidence relied on by an applicant must be submitted to and available from the local government at least 20 days in advance of the hearing, and the staff report to be used at the hearing must available be at least seven days in advance of the hearing. Any party to the application may request and receive a continuance for failure to comply with these requirements. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.6, 1987].

17.300.070 Order of proceedings.

(1) The presiding officer will state the case and call the public hearing to order. The presiding officer may establish the time allowed for the presentation of information.

(2) Any objections on jurisdictional grounds shall be noted in the record.

(3) Disqualifications shall be determined. Members shall announce all potential conflicts of interest.

(4) Staff shall present a report which includes the applicable criteria which must be addressed. Staff shall also state that testimony and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes is applicable to the decision and that failure to raise an issue with sufficient detail to afford the decision makers and parties an opportunity to respond to the issue precludes appeal on that issue.

City staff may also present additional information whenever allowed by the presiding officer during the proceedings.

(5) The hearing authority may inspect the area in dispute for purposes of evaluating the proposal.

(6) The applicant or those representing the applicant shall present information.

(7) Evidence or inquiries by those persons who support the proposed change shall be presented.

(8) Evidence or inquiries by those persons who oppose the proposed change shall be presented.

(9) Evidence or inquiries by those persons who do not necessarily support or oppose the proposed change shall be presented.

(10) Rebuttal testimony may be presented by a single representative of those supporting or opposing the proposed change. The scope of material presented during rebuttal shall be limited to matters which were brought up during the course of the hearing. Rebuttal shall be first presented by the applicant or her/his representative and then by those opposed to the proposed change. The presiding officer shall limit rebuttal to avoid redundancy. If new evidence is submitted by the applicant, opponents have the opportunity to rebut. Any participant may request and receive approval for the record to remain open seven days after the hearing.

(11) At the close of presentation of information, rebuttal, and written argument, the presiding officer shall declare that the hearing is closed.

Thereafter, no further information shall be received except for specific questions from the hearing authority to clarify earlier evidence directed to staff or one of the parties. The opportunity for brief rebuttal shall also be afforded to adverse parties.

(12) Once a hearing has been closed, it shall be reopened only upon vote of the hearing authority and only after a showing that:

(a) A clarification of testimony is needed by the governing body; or

(b) There is evidence which was not reasonably available at the time of the hearing; and

(c) The information is now available to the person seeking to reopen the hearing; and

(d) The information is factual, substantive, and material.

(13) If the hearing is reopened to admit new evidence, then any person may raise new issues relating to the new evidence. [Ord. 320, 2002; Ord. 171, 1991; Ord. 148 § 20, 1989; Ord. 93 § 5.3.7, 1987].

17.300.080 Decision.

Following the hearing procedure described in CBMC 17.300.070, the hearing body shall approve, conditionally approve, or deny the application, or if the hearing is in the nature of an appeal, affirm, reverse, or remand that decision that is on appeal. A decision for a development permit shall be made by the hearing body or designate within the time period required by ORS 227.178 and 227.180. The date of decision is the date upon which the final order is signed. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.8, 1987].

17.300.090 Findings and order.

The hearing body shall prepare findings of fact and a written order which shall include:

(1) Notice of the decision to deny or approve the proposed change.

(2) A statement of the applicable criteria and standards against which the proposal was tested, and a statement of the facts which the hearing body used to conclude compliance or noncompliance with the criteria and standards.

(3) Special conditions or time limits placed upon approval and a specific statement of what is required to achieve compliance with the conditions.

(4) Notification of rights to appeal.

(5) Limitation on reapplication in cases of denial. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.9, 1987].

17.300.100 Disposition.

Within seven working days of the adoption of findings of fact and conclusions, the applicant and all other parties to the decision whether they appeared orally or in writing shall receive the written order of the final action. The order shall contain the provisions stated in CBMC 17.300.090. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.10, 1987].

17.300.110 Record of proceedings.

The secretary to the hearing body shall be present at each hearing and shall have the proceedings recorded stenographically or electronically.

(1) Testimony shall be transcribed if required for judicial review or if ordered by the hearing body. Ordinarily, minutes of each hearing shall be written and then approved by the hearing body.

(2) The hearing body shall, where practicable, retain as part of the record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the evidence and whether it was presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the owner.

(3) The findings and order shall be included in the record.

(4) A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.11, 1987].

17.300.120 Appeal.

Appeals from the decision of the hearing authority may be made in accordance with Chapter 17.305 CBMC. The decision by the hearing authority can be appealed. All appeals must be in accordance with Chapter 17.305 CBMC. [Ord. 320, 2002; Ord. 148 § 20, 1989; Ord. 93 § 5.3.12, 1987].

Chapter 17.305

APPEALS

Sections:

17.305.010 Right of review.
17.305.020 Requirements of request for appeal.
17.305.030 Notification of appeal.
17.305.040 Scope of review.
17.305.050 Decision.
17.305.060 Findings and order.
17.305.070 Reapplication following denial.

17.305.010 Right of review.

(1) A decision regarding the granting or denial of a staff-issued permit may be appealed to the planning commission by an appellant with standing by filing an appeal with the public works and development department within 15 days of the date the notice of the decision was mailed.

(2) A decision by the planning commission may be appealed to the city council by an appellant with standing by filing a notice of appeal with the public works and development department within 15 days of the date the notice of the decision was mailed.

(3) The council may review a planning commission decision on its own motion, in accordance with all of the procedural provisions of this chapter.

(4) In order to proceed with an appeal, the fee prescribed by the city council for purposes of proceeding with an appeal must be paid at the time the request for appeal is submitted to the city. The payment of such fee is a jurisdictional requirement for the appeal. [Ord. 381, 2006; Ord. 320, 2002; Ord. 148 § 21, 1989; Ord. 93 § 5.4.1, 1987].

17.305.020 Requirements of request for appeal.

A request for appeal shall contain all of the following:

(1) Identification of the decision to be reviewed.

(2) Statement of facts establishing the appellant has standing to appeal.

(a) In the case of an administrative decision, a person has standing if:

(i) The person was entitled to receive mailed notice of the decision; or

(ii) The person's interests are adversely affected by the decision.

(b) In the case of a quasi-judicial decision by the planning commission, a person has standing if:

(i) The person appeared before the planning commission orally or in writing; and

(ii) The person's interests are adversely affected by the decision.

(c) A person is "adversely affected" by a decision if the decision infringes upon the use and enjoyment of his or her property or otherwise detracts from his or her personal interests.

(3) Reasons the appellant feels aggrieved by the decision, and how the appellant feels the reviewing body erred in its decision. [Ord. 320, 2002; Ord. 148 § 21, 1989; Ord. 93 § 5.4.2, 1987].

17.305.030 Notification of appeal.

Written notice of the public hearing on an appeal shall be provided to the appellant; the applicant, if different; and all parties entitled to receive mailed notice prior to or after the original decision. This notification shall comply with CBMC 17.300.020(2). [Ord. 320, 2002; Ord. 148 § 21, 1989; Ord. 93 § 5.4.3, 1987].

17.305.040 Scope of review.

The scope of the review shall be limited to the issues raised in the request for appeal. The hearings body will consider evidence in the record, evidence submitted at the appeal hearing which is relevant to the issues under review, and oral or written arguments submitted at the time of the appeal hearing addressing those issues.

The record shall be comprised of:

(1) The notice of the decision.

(2) All written and illustrative evidence submitted by any party and considered in reaching the decision under review, including the staff report.

(3) A transcript, tape or minutes of the hearing. [Ord. 320, 2002; Ord. 148 § 21, 1989; Ord. 93 § 5.4.4, 1987].

17.305.050 Decision.

(1) The reviewing body may affirm, reverse, or modify the decision in whole or in part. When the reviewing body reverses or modifies a decision, it shall set forth its findings and state its reasons for taking this action as applied to the relevant required criteria and standards set forth in this title.

If a matter is remanded back to the planning commission for further consideration, the council will state its reasons for so doing.

(2) A decision of the reviewing body shall require a two-thirds vote of the quorum present.

(3) The appellant and affected property owners shall receive written notice of the final decision within five days of the decision. [Ord. 320, 2002; Ord. 148 § 21, 1989; Ord. 93 § 5.4.5, 1987].

17.305.060 Findings and order.

The findings and order shall be prepared in accordance with Chapter 17.300 CBMC, Public Hearings. [Ord. 320, 2002; Ord. 148 § 21, 1989; Ord. 93 § 5.4.6, 1987].

17.305.070 Reapplication following denial.

After denial of a development proposal, no new application for the same area, or any portion thereof, may be submitted for a period of one year from the date of denial. However, the applicant may submit a written statement to the director of public works and development showing how the proposal has been sufficiently modified to overcome the findings for denial, or that conditions have changed sufficiently to justify reconsideration of the original proposal, or consideration of a similar proposal. Upon consideration of the statement, the director of public works and development may waive the one-year waiting period. [Ord. 320, 2002; Ord. 148 § 21, 1989; Ord. 93 § 5.4.7, 1987].

Chapter 17.310

ENFORCEMENT

Sections:

17.310.010 Violations.
17.310.020 Method of enforcement.

17.310.010 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, 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 $200.00. Each day under which the violation continues shall be considered a separate offense.

(3) Any sign erected or maintained in violation of this title may be removed by the city. In the event that a cost would be incurred to remove a sign which would be charged to the owner of the sign or of the premises, the city shall give the owner 48 hours' written notice to remove the sign, citing the violation. Noncompliance within that time period shall cause the city to remove the sign and charge the owner for the cost. However, the city may remove a sign immediately and without notice and charge the cost to the owner if the condition of the sign presents an immediate threat to the public. [Ord. 93 § 5.5.2, 1987].

Chapter 17.315

CLASSIFICATION OF A USE

Sections:

17.315.010 General.
17.315.020 Initiation.
17.315.030 Decision.
17.315.040 Appeal.

17.315.010 General.

Not all permissible and conditional uses can be listed within each district. In those cases where a proposed use is unlisted but is similar to other uses in the district, the use may be classified by staff. [Ord. 93 § 5.6.1, 1987].

17.315.020 Initiation.

A classification of a use may be initiated by a property owner through an application to the public works and development department. [Ord. 93 § 5.6.2, 1987].

17.315.030 Decision.

Staff may approve or deny the classification of a use after considering the following:

(1) The use is similar to one or more uses permitted or conditional in the district.

(2) The use is listed in the current Oregon Standard Land Use Code or the Standard Industrial Classification Manual within the general title of uses permitted or conditional.

(3) The use and its operation are compatible with uses permitted or conditional in the district.

Staff shall state in writing its decision and reasons for this decision based upon the conclusions stated in this section. [Ord. 93 § 5.6.3, 1987].

17.315.040 Appeal.

The decision of the staff may be appealed to the planning commission in accordance with Chapter 17.305 CBMC. [Ord. 93 § 5.6.4, 1987].

Chapter 17.320

LAND CLEARING, EROSION CONTROL, AND STEEP SLOPE AREAS

Sections:

17.320.010 General.
17.320.020 Initiation.
17.320.030 Exceptions.
17.320.040 Application.
17.320.050 Decision.
17.320.060 Minimum requirements.
17.320.070 Bond and surety, cash, or security deposit.
17.320.080 Appeal.

17.320.010 General.

The removal of ground cover and trees without proper planning can create environmental hazards, pose a hazard to property and lead to unsound development practices. It is not the intent of these provisions to prohibit land clearing but to regulate its effects. The goals of these regulations are as follows:

(1) To promote land development practices that reduce the risk of wind and water erosion, landslides and windthrow.

(2) To prevent new development from creating problems which might damage adjacent property or life.

(3) To preserve and enhance the physical and aesthetic character of development.

(4) To preserve water resources and reduce risks from flooding or alteration of natural drainage systems including but not limited to maintaining a reasonable amount of vegetation along streambeds and other bodies of water during clearing procedures and immediate restoration of ground cover if the vegetation must be removed.

(5) To ensure the prompt development, restoration, and/or replanting of property.

(6) To control possible siltation and water pollution, including but not limited to prohibition of waste material placement in waterways. [Ord. 93 § 5.7.1, 1987].

17.320.020 Initiation.

The act of removing and destroying trees or ground cover or development on steep slopes shall require a permit if any of the situations listed in this

section apply. This permit shall be obtained by the property owner or authorized agent by filing an application with the public works and development department.

(1) The property is undeveloped or partially developed, the clearing is for the purpose of further residential development, and the property is of a size to permit a major partition II or subdivision.

(2) The property is undeveloped or partially developed and the clearing is for the purpose of further commercial, industrial, or public development.

(3) The property contains all or portions of a stream, lake, bog, swamp, wetland, spring seep, or other source where the continuous presence of water is indicated which will be disturbed.

(4) Any portion of the slope of the area to be disturbed is greater than 20 percent, or is within the steep slope area as shown on the land development map.

(5) The primary use of the clearing is for the commercial growing, harvesting, and reforestation of forest tree species and the clearing is not regulated by any other applicable state permit(s).

(6) The ground clearing exposes or destabilizes the soil in areas classified as recently stabilized dunes, older stabilized dunes, or open sand. [Ord. 93 § 5.7.2, 1987].

17.320.030 Exceptions.

A land clearing permit shall not be required for the following:

(1) Projects which have received site plan and architectural review approval.

(2) The installation and maintenance of fire hydrants, water meters, pumping stations and streets by the city, water board, or their contractors.

(3) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.

(4) Removal of dead or diseased ground cover or trees.

(5) Removal of trees or ground cover on partially developed property for purposes of general property and utility maintenance, landscaping, or gardening without the use of a bulldozer or similar mechanical equipment.

(6) Removal of trees and ground cover when the primary use of the clearing is for the commercial growing, harvesting, and reforestation of forest tree species if the required state permit(s) have been obtained. These state permits will be accepted in lieu of a city permit except that provisions of applicable city ordinances shall prevail if not adequately covered by the state permit(s).

(7) Projects covered by an excavation and grading permit issued in accordance with the International Building Code. [Ord. 93 § 5.7.3, 1987].

17.320.040 Application.

An application may include any or all of the following items at the discretion of staff, depending upon the site conditions and characteristics of the proposed development. The applicant shall provide one copy of the written information and four prints or one sepia print of a map.

(1) Map.

(a) Map Specifications. Date; north point; legend; scale less than one inch equaling 100 feet, unless otherwise approved by staff; contours at five-foot intervals.

(b) Boundaries. Legal description of property.

(c) Improvements. Proposed location of improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.

(d) Topography. Natural features, tree groupings, streams, wetlands, or other geological features.

(e) Stabilization Methods. Proposed methods of erosion control measures or land restoration.

(f) Vegetation/Soils. General description and notation of trees and ground cover; general description of soils and characteristics.

(g) Grading Plan. Plan including cut and fill areas and existing and finished grade.

(h) Drainage plan.

(i) Supplementary Information. Name and address of property owner and authorized agent.

(2) Written Information.

(a) Use. General description of the proposed use.

(b) Schedule. Proposed time schedule for land clearing, land restoration, erosion control measures, improvement construction, and future development.

(c) Permits. Evidence that required state and federal permits have been secured.

(d) Other. Other information as deemed necessary by the building official which may include but not be limited to a landscaping or reforestation plan. [Ord. 93 § 5.7.4, 1987].

17.320.050 Decision.

The public works and development department shall review the land clearing plan supplied by the applicant and shall approve, conditionally approve, or deny the application by considering the goals listed in CBMC 17.320.010, General. Staff shall process the complete application as rapidly as possible. It is intended, however, that staff shall render a decision within 10 days after a complete application is received. If this is not possible, staff shall then notify the applicant within seven days that the decision will be delayed.

When desirable or when agreement of both departments cannot be achieved, staff may refer the review and decision to the planning commission. In these instances, the final decision shall be rendered as soon as possible after submission to the commission.

The final staff decision shall be made in writing and shall include an agreed-upon time limit for completion of the work and all other specific conditions of approval. [Ord. 93 § 5.7.5, 1987].

17.320.060 Minimum requirements.

(1) Each permit shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.

(2) Removal of vegetation shall not occur more than 30 days prior to grading or construction.

(3) If a building permit is issued, the requirements of the land clearing permit shall be completed within 90 days from the issuance of the building permit or within 20 days of the final inspection. If the clearing is not followed by timely development, erosion stabilization measures shall be completed immediately.

(4) The removal of vegetation will be kept to a minimum. [Ord. 93 § 5.7.6, 1987].

17.320.070 Bond and surety, cash, or security deposit.

The public works and development department may require, as a condition to the granting of a permit, that the applicant furnish a performance bond to the city to secure the obligation to complete the work in accordance with the terms of the permit. The amount of the assurances shall be established by resolution of the city council and shall be paid prior to the issuance of any permits by the city. The bond or deposit shall:

(1) Be conditioned upon the final approval and acceptance of the work.

(2) Provide for a minimum two-year warranty period from the date of final acceptance by the city.

(3) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer is financially unable to correct.

(4) Cover any costs, attorneys' fees, and liquidated damages resulting from delay or failure to meet the deadline. [Ord. 93 § 5.7.7, 1987].

17.320.080 Appeal.

Any decision of the staff may be appealed to the planning commission in accordance with Chapter 17.305 CBMC. [Ord. 93 § 5.7.8, 1987].

Chapter 17.325

ALTERNATIVES FOR THE RECONFIGURATION OF PROPERTY

Sections:

17.325.010 Replatting and vacation of plats.
17.325.020 Property line adjustments.

17.325.010 Replatting and vacation of plats.

The act of replatting shall allow the reconfiguration of lots or parcels and public easements within a recorded plat.

(1) Replats act to vacate the platted lots, parcels or easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

(2) A replat shall not serve to vacate any public street or road. The replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(3) When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified consistent with notice procedures for notice to owners of property contiguous to the proposed plat.

Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

(4) If the replat is replatting all of an undeveloped subdivision, a hearing before the planning commission is required to determine whether the undeveloped subdivision should be revised and the subdivision replatted or vacated and all lands within the subdivision that have been dedicated for public use vacated. Not later than 30 days before the date of the hearing, each owner of record of land described in the plat of the subdivision under review must be notified in writing of the date, place, time and purpose of such hearing.

A subdivision is considered to be "developed" if any of the following apply:

(a) Roadways providing access into and travel within the subdivision have been or are being constructed to meet specifications approved by the city;

(b) Facilities to provide water or sewer to the lots created by the subdivision have been or are being constructed;

(c) Buildings have been or are being constructed or permits have been issued for the construction of buildings upon the land;

(d) One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of this review.

(5) Any plat or portion thereof may be replatted upon receiving an application signed by all the owners as appearing on the deed. All applications for a replat shall be processed in accordance with the procedures and standards for a partition, Chapter 17.330 CBMC, or a subdivision, Chapter 17.335 CBMC. The replat must comply with all applicable ordinances and regulations of the city. [Ord. 388, 2006; Ord. 93 § 5.8.1, 1987].

17.325.020 Property line adjustments.

A "property line adjustment" means the relocation or elimination of a common property line between abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with this title.

(1) Application. Prior to filing an application, a prospective applicant shall hold a preapplication conference with the public works and development department. The purpose of the conference is to provide advice regarding compliance with the applicable standards of this title. If multiple property line adjustments are proposed, a replat or partial replat of the subdivision may be required.

(a) The application form must be signed by the owner(s) of record of the real property addressed in the application and the appropriate fee paid. An application form may also be signed by the duly authorized representative of the owner of record.

(b) A site plan, drawn to scale, is required with the application showing the following:

(i) The existing and proposed property boundaries and dimensions;

(ii) The footprint of existing structures on the affected properties along with the dimensions, uses, and number of stories for each structure;

(iii) Location and dimensions of driveways and public and private streets within or abutting the subject properties; and

(iv) Location and purpose of easements, if applicable.

(c) A copy of the deed for the properties involved and any covenants, conditions, and restrictions applicable to the subject property.

At the discretion of the public works and development department, property line adjustments may be a ministerial review, an administrative review or be referred to the planning commission. A property line adjustment must not violate any city or state regulations.

(2) Survey Required. An adjusted property line created by the relocation of a common boundary must be surveyed in accordance with ORS 92.060(7). This requirement does not apply for the following:

(a) Property transferred by a public agency or public body or excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the city. If the adjustment is approved, it shall be recorded in the deed records of the county where the property is located; or

(b) When the adjusted lots or parcels are each greater than 10 acres.

(3) Multiple Line Adjustments. When a series of property line adjustments are proposed, each of the property line adjustments must be approved separately and implemented (deed recorded) before proceeding to seek approval for any additional property line adjustment needed to achieve the desired configuration.

(4) Deed. Upon approval of a property line adjustment, a property line adjustment deed must be recorded. A copy of the deed must be provided to the public works and development department. At a minimum, the property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents, the survey reference number and signatures of all parties with proper acknowledgement. If the deed is not filed and a copy provided to the department within six months of approval, the decision of the department shall be null and void. [Ord. 388, 2006; Ord. 93 § 5.8.2, 1987].

Chapter 17.330

LAND DIVISION – PARTITION I

Sections:

17.330.010 General.
17.330.020 Initiation.
17.330.030 Preapplication.
17.330.040 Application.
17.330.050 Notice and decision.
17.330.060 Appeal.
17.330.070 Acceptance of improvements and monumentation.
17.330.080 Filing.

17.330.010 General.

When a unit of land is being divided, it is necessary to verify the newly created parcels will conform to the requirements of this title and new private and existing public streets meet city standards.

An application for a partition I shall only apply to land if:

(1) Required access to each parcel can be accommodated without the need of creating a public street. The applicant may utilize existing public streets, new or existing private streets or easements in order to access the new parcels; and

(2) There are no more than three parcels created from the original unit of land. [Ord. 93 § 5.9.1, 1987].

17.330.020 Initiation.

A partition may be initiated by the property owner or authorized agent by filing an application with the public works and development department. The partition map submittal must be completed by an Oregon-licensed land surveyor. [Ord. 93 § 5.9.2, 1987].

17.330.030 Preapplication.

The applicant shall submit to the public works and development department a sketch plan and discuss the proposal in relation to:

(1) City comprehensive plan.

(2) State law requirements.

(3) Land development ordinance and other city policies.

(4) Special problems associated with the land or proposed development.

(5) General design of all streets and utilities, particularly affecting on-site and adjacent property development.

Changes or modifications in the sketch plan shall be discussed by city staff and other appropriate agencies to provide all parties an understanding of the full scope of the proposed development. [Ord. 93 § 5.9.3, 1987].

17.330.040 Application.

An application shall include the current deed for the property and a typed list with the names and addresses of all property owners within 100 feet of the parent parcel according to the most recent property tax assessment roll. The applicant must also provide one mylar and three copies of the tentative partition map with the following information. The monumentation may be shown on a separate sheet from the base map information; however, a separate base map may be required to maintain the clarity of the tentative plan.

(1) Map Specifications. Date; north point; legend; scale no less than one inch equaling 100 feet, unless otherwise approved by staff.

(2) Boundaries. Legal description; written description and dimensions of the parent unit of land. Each subsequent parcel shall be numbered in consecutive order with the parcel boundaries clearly shown.

(3) Easements. Existing easements and recorded references; proposed easements showing the widths and lengths and bearings of the lines and tying the easement to a recorded reference.

(4) Existing Improvements. Names and locations of streets, drainage lines, sewer and water lines, other utilities, and structures which abut or are within the proposed development.

(5) Proposed Improvements. Location of proposed sewer and water lines, utilities, and common facilities.

(6) Hazards. Location of hazard areas, showing land within the 100-year floodplain, landslide potential, wetlands, sinkholes, or other environmental hazards. (A full geological report may be required by the building official.)

(7) Street Data. Right-of-way boundaries, widths, and centerlines; for rights-of-way on a curvature, dimensions of the delta angle, arc, length, and tangent.

(8) Survey Data. Provide bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot. Curve information shall also be shown on the face of the map or in a separate table indicating arc length, chord length, radius, and central angle. All information must be in accordance with the degree of accuracy specified by the county surveyor.

(9) Monumentation. All exterior boundaries and subsequent parcel corners of the partition must be monumented in accordance with the county surveyor's standards and accuracy requirements. The county surveyor and city planner may together waive the monumentation and survey requirements for proposed parcels that exceed 10 acres.

(10) Supplementary Information. Name and address of owner(s); deed restrictions applicable to the development.

(11) Evidence of Approval. Provisions for the signatures of the surveyor preparing the map, the city planner, and city engineer. [Ord. 93 § 5.9.4, 1987].

17.330.050 Notice and decision.

(1) Notice of an application for a partition I shall be mailed to all property owners within 100 feet of the parent parcel and to any neighborhood or community organization recognized by the city governing body whose boundaries include the parent parcel. Notice and copies of the proposed partition shall also be mailed to the county tax assessor, county surveyor, and the local public utilities. Notice shall be mailed not less than 15 days prior to the decision and must include the following information:

(a) A summary of the proposed request and the file number of the application;

(b) The street address or other geographical reference to the subject property;

(c) The date the notice was mailed and the place, date, and time that comments are due;

(d) A statement that prior to a decision by the city planner, a 14-day comment period will be provided for the submission of written comments concerning the proposed partition;

(e) A statement that issues which may provide the basis for an appeal must be raised prior to the expiration date of the comment period and must be specific enough to enable the decision maker to respond to the issue;

(f) A list of the decision criteria that will be used as a basis for making a decision;

(g) A statement that copies of the applicant's submitted evidence are available for review and that copies of the information can be obtained at cost;

(h) The name, address, and phone number of the city planner and a statement that questions and comments concerning the partition must be directed to this individual;

(i) A summary of the decision-making process and a provision that notice of the decision will be sent to the owner and any person who submits comments within the appropriate period of time.

(2) The public works and development department shall review the partition plan, written material supplied by the applicant, and comments received during the 14 day comment period before making a decision. The decision to approve, conditionally approve, or deny the application must be made in writing and shall consider the following decision criteria:

(a) The development conforms to the requirements of this title and other city policies.

(b) The development conforms to the comprehensive plan.

(c) If applicable, the proposed public improvements satisfy city requirements.

Final approval shall be indicated on the map by the signature of the city planner.

(3) Written notice of the final decision, including an explanation of appeal rights, must be mailed to the owner and any person that submitted comments during the comment period. [Ord. 93 § 5.9.5, 1987].

17.330.060 Appeal.

The decision of the staff may be appealed to the planning commission in accordance with Chapter 17.305 CBMC. [Ord. 93 § 5.9.6, 1987].

17.330.070 Acceptance of improvements and monumentation.

Approval of the final map shall not constitute an offer by the applicant or acceptance by the city of any public improvements or monumentation. Upon completion of the improvements and post-monumentation, the applicant shall submit the following record drawings to the public works and development department:

(1) One copy of plan profiles for any new private street or sanitary/storm sewer.

(2) Two permanent mylars of the post-monumentation plan, certified by an Oregon-licensed land surveyor, which substantially conforms to the original map approved by staff. This map must also include appropriate signature blocks for the owner(s), the city planner, city engineer, county surveyor, county tax assessor and county clerk.

The city planner and city engineer shall review the material and indicate approval of the final maps and the post-monumentation by signing the appropriate affidavits. When it is necessary, the city engineer shall recommend to the city council that a resolution be passed confirming final acceptance of any public improvements. [Ord. 93 § 5.9.7, 1987].

17.330.080 Filing.

City approval of the final plan shall be conditioned on its prompt recordation with the office of the county clerk after securing all other official approvals. Within seven days of recordation of the final plat or map, a mylar copy shall be returned to the public works and development department for city records. [Ord. 215, 1995; Ord. 93 § 5.9.8, 1987].

Chapter 17.335

LAND DIVISION – PARTITION II AND SUBDIVISION

Sections:

17.335.010 General.
17.335.020 Filing schedule.
17.335.030 Fees.
17.335.040 Preapplication.
17.335.050 Preliminary plat or major partition map.
17.335.060 Public improvements and monumentation.
17.335.070 Final plat or map.
17.335.080 Structural permits.
17.335.090 Acceptance of improvements.

17.335.010 General.

(1) The following general rules, guidelines and specific requirements, where applicable, shall govern the development of all partition II and subdivisions. The goals of these regulations are to:

(a) Provide for a uniform process for partition II and subdivisions.

(b) Ensure the appropriate size of building lots within the density requirements of the district.

(c) Ensure economical, efficient, and safe circulation systems for vehicles and pedestrians.

(d) Provide for the orderly extension of public facilities and services, such as water, drainage, sewerage, and streets.

(e) Assure the health, safety, and welfare of the general public.

(2) An application for a Partition II and Subdivision shall be made in either of the following circumstances:

(a) The division includes the creation of a public dedicated street; or

(b) There are more than three lots that will be created from the parent parcel. [Ord. 215, 1995; Ord. 93 § 5.16.1, 1987].

17.335.020 Filing schedule.

The following is a general outline of the schedule in filing for the approval of subdivision and major partitioning of land in the city of Coos Bay:

(1) Applicant files preapplication (CBMC 17.335.040):

(a) Sketch plan submitted to the city staff for preliminary review.

(b) Modifications or changes discussed with city and appropriate agencies.

(2) A preliminary plat and partition map application, with filing fee, must be submitted at least 45 days prior to planning commission review (CBMC 17.335.050):

(a) The city will disperse copies of the submitted plans to special districts and other agencies within five days of the completed application.

(b) Comments from the special districts and agencies must be made within 20 days.

(c) City staff will review and discuss any comments with the applicant prior to the planning commission hearing.

(d) Final decision for approval of a plat or map will be made by the city council based upon the recommendation of the planning commission, the record and evidence presented at the time of the public hearing.

(3) Applicant acknowledges public improvement obligation (CBMC 17.335.060):

(a) Submits utility and street construction plans, profiles, cross-sections, drawings, and specifications and also a detailed work schedule accompanied by the plan check fee.

(b) Within 48 months of preliminary approval, posts performance bond or security deposit for public improvements and post-monumentation and pays inspection fee, and enters into separate agreement by which public improvements and subdivision post-monumentation are to be completed within 24 months. Submits exterior boundary and right-of-way monumentation map.

(c) Utility and street construction may commence.

(4) Applicant files final plat or partition map within 12 months after the improvement contract is executed (CBMC 17.335.070):

(a) Full staff review of final plat or map for compliance.

(b) If substantive changes are made, planning commission review and recommendation.

(c) City council review and approval of final plat or map.

(d) Recordation of final plat or map.

(5) Building permits may be issued; provided, that all essential utilities (streets, water, sewer) are available and confirmed by city staff.

(6) Applicant completes all utility improvements and subdivider files certified interior post-monumentation plat within 24 months of execution of public improvement contract.

(7) City accepts all public improvements (CBMC 17.335.090). [Ord. 320, 2002; Ord. 93 § 5.16.2, 1987].

17.335.030 Fees.

(1) Land Division Application Filing Fee. A filing fee as set by council resolution shall be submitted when a formal application for preliminary plat or partition map approval is filed.

(2) Plan Check Fee. After preliminary approval, the construction plans and specifications shall be submitted for review. At this time the applicant shall pay a plan check fee established and set by resolution by the city council. If these plans must be corrected and then rechecked, the applicant shall also pay any additional actual costs incurred.

(3) Inspection Fee. The fee for the city's ongoing inspection of street and utility improvements shall be established by resolution of the city council. This fee shall be paid by the applicant prior to the issuance of any construction permits. Additional inspection costs incurred by the city exceeding the initial cash advance established by resolution shall be based upon actual costs and shall be paid before the city formally accepts the public improvements. Any portion of the cash advance not expended shall be refunded to the applicant after staff determines inspection is complete. The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for review.

(4) Bond, Cash, or Security Deposit for Public Improvements. A surety or performance bond, cash, or negotiable security deposit approved by the council shall be filed for the public improvements and for the post-monumentation in an amount established by resolution of the city council. The bond or deposit shall be required before any construction permits are issued. Terms of the bond or deposit are discussed further in CBMC 17.335.060. The estimate of the cost of the required

improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for final determination. [Ord. 93 § 5.16.3, 1987].

17.335.040 Preapplication.

The applicant shall submit to the public works and development department a sketch plan and discuss the proposal in relation to:

(1) City comprehensive plan.

(2) State law requirements.

(3) Land development ordinance.

(4) Special problems associated with the land or proposed development.

(5) Development of adjacent properties.

(6) General scope of all streets and utilities.

Changes or modifications in the sketch plan shall be discussed by city staff and other appropriate agencies to provide all parties an understanding of the full scope of the proposed development. The sketch plan as modified shall be filed with the public works and development department and shall generally represent the scope of the proposed development. [Ord. 93 § 5.16.4, 1987].

17.335.050 Preliminary plat or major partition map.

(1) Application – Preliminary Plat or Map. At least 45 days prior to the planning commission meeting, an application for a preliminary plat or map shall be filed with the public works and development department, and shall include one mylar and 14 copies of maps and written information as listed below. (Platting and mapping standards are specified in CBMC 17.335.070.)

(a) Base Map. A base map drawn at a scale of one inch equals 50 feet, unless otherwise approved by staff, containing the following information. If a different scale is necessary for the boundary survey map, a separate map may be submitted per county requirements:

(i) Map Data. Property boundaries, lot or parcel area in acres or square feet, north point, scale and date, name of owner or authorized person, engineer or surveyor preparing the maps, subdivision name(s).

(ii) Topography. All existing natural features including contour lines, tree groupings, low or swampy areas, streams, wetlands, or geological features, temporary bench mark based on mean sea level.

(iii) Existing rights-of-way and improvements within.

(iv) Utilities. Existing utilities and public facilities.

(v) Structures. Existing structures.

(b) Tentative Plan. This map shall show the following additional information proposed for the development:

(i) Lots. Proposed lot or parcel lines, lot or parcel dimensions, proposed lot and block numbers or metes and bounds description, street dimensions, dimension and purpose of easements, street names, and development name(s).

(ii) Grades. Proposed finished grades of the property and streets showing all cut and fill areas, general slope of the property, location of the proposed retaining walls or slope protection, and proposed storm drainage systems or drainageways.

(iii) Utilities. Locations, grade, and size of proposed utilities, including streets, water, and sewer, fire hydrants, storm drains, electricity and communication lines. Proposed service and utility structures and their intended use, and other impervious surfaces other than streets. All facilities shall be considered in their relation to existing and planned facilities, topographical conditions, public convenience and safety, and proposed use of the land.

(iv) Structures. Existing structures to remain.

(v) Hazards. Location of hazard areas, showing areas within the 100-year floodplain, landslide potential, wetlands, sinkholes, or other hazards. (Note: A full geological report may be required by the building official or planning commission.)

(vi) Open Space. Location and area of the proposed development, open space, setbacks where applicable, buffers, screens, recreation facilities, or required landscaped areas.

(c) Written Information.

(i) Name. The name of the proposed development, not duplicating the name of any other similar development within the county.

(ii) Title Report. Indicating any taxes or assessments as a lien against the property, and ownerships of the property of proposed develop-

ment and of adjacent property within 250 feet of the proposed development.

(iii) Ownerships. Description of ownership arrangement of commonly owned or commonly used property (e.g., organization bylaws, covenants or deed restrictions).

(iv) Geological Report. For slopes greater than 2:1 or where the building official or planning commission specifies a site-specific geological investigation report. This report shall be prepared by a licensed engineering geologist, soils engineer, or other qualified expert, who must carry errors and omissions insurance. Verification of the insurance must be submitted with the report. The report shall indicate the feasibility of any proposed structures, cuts of fills, recommended storm drains both on and off the site, erosion control measures and slope stabilization devices, and trees or other stabilizing vegetation to be retained.

(v) Phasing. A statement describing and explaining the rationale for the phasing of construction, sales of lots or units, and the placement of utilities and construction of streets.

(2) Variance – Preliminary Plat or Map. The developer may apply for a variance or exception to the standards or requirements of these regulations if the proposed plan will otherwise provide adequate public space and improvement for circulation, recreation, light, air and service when fully developed and populated. Application for a variance may be filed with the preliminary application and consideration of the petition may be made during the public hearing. The decision regarding the variance shall be made in accordance with Chapter 17.350 CBMC. No variance shall be granted without proper notice and public hearing.

(3) Staff Review – Preliminary Plat or Map. Within five days after application by the developers, the city shall furnish a copy of the preliminary plan and supplemental material to the utility companies, school district, water board, county surveyor, state highway department, real estate commissioner, and all other affected agencies as the case may warrant.

These agencies shall have no more than 20 days after submission to review the plans and submit a written report to the city stating whether or not the plan is in compliance with all applicable regulations and make whatever recommendations are necessary in the public interest. If an agency does not or cannot respond within the 20-day period, an extension of time may be granted if mutually acceptable to the applicant, staff, and the agency.

If an agency's inaction will cause undue delay, the preliminary plan may be submitted for review and approval based upon staff's discretion.

Prior to the public hearing, the city staff will hold a conference to discuss the application and allow the developer an opportunity to correct or make any necessary or suggested revisions in the proposed plan prior to the public hearing before the commission. Based upon this conference, staff shall prepare a written report to the planning commission and to the applicant.

(4) Hearing – Preliminary Plat or Map. A public hearing shall be held before the planning commission in accordance with requirements of Chapter 17.300 CBMC. The hearing shall be scheduled no later than the second regular planning commission session following the date of application.

(5) Notice – Preliminary Plat or Map. Public hearings will be held in accordance with Chapter 17.300 CBMC.

(6) Planning Commission Recommendation – Preliminary Plat or Map. The commission will review the preliminary plat or map and written material supplied by the applicant, staff and other agencies and may recommend approval, conditional approval, or denial of the application. The commission shall adopt findings of fact which substantiate the following conclusions:

(a) Development of any remainder of property under the same ownership can be accomplished in accordance with this title.

(b) Adjoining land can be developed or is provided with public access that will allow its development in accordance with this title and state statute.

(c) The plan complies with the requirements for its submittal, and with the policies and objectives of the comprehensive plan and other city ordinances.

The planning commission may recommend conditional approval if there are deficiencies or other circumstances associated with the proposal. These substantive 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. Conditions which the commission may recommend would be similar to those permissible under a conditional use permit.

(7) City Council Decision – Preliminary Plat or Map. The recommendation of the planning commission shall be forwarded to the city council as soon as possible but within 60 days of the hearing. Final decision by the city council is based upon recommendations by the planning commission, the record and evidence presented at the time of the public hearing. The council may affirm, modify, or reverse the recommendation of the commission, but shall adopt findings to support the required conclusions per subsection (6) of this section. [Ord. 320, 2002; Ord. 93 § 5.16.5, 1987].

17.335.060 Public improvements and monumentation.

No site preparation work may take place until all public improvement agreements have been executed, except as may be permitted in writing by the public works and development director.

(1) Required Public Improvements. The applicant shall be required to construct or to provide the following improvements according to the specifications of the public works and development department and to other regulations of this title:

(a) Streets.

(b) Sidewalks along collector and arterial streets as referenced in the comprehensive plan or as may be modified by the public works and development department.

(c) Sanitary sewers and facilities.

(d) Surface drainage control.

(e) Water lines and facilities.

(f) Fire hydrants.

(g) Street lighting.

(h) Underground public, private, or franchised utilities.

(i) Street and traffic control signs and barricades as required.

(j) Other items required by the commission, council, or public works and development department as a condition of development approval.

(2) Optional Public Improvements. Other public improvements may be appropriate to the development and can be required at the discretion of the planning commission and/or city council as a condition of development approval. Such improvements are:

(a) Bicycle lanes.

(b) Pedestrian and/or bicycle paths.

(3) Construction Plans and Specifications. After approval of the preliminary plat or partition map, the applicant shall submit to the public works and development department construction plans, profile and cross-section drawings, and specifications for the required public utilities and streets, accompanied by a plan check fee. The plans will be reviewed and the applicant will be notified in writing of compliance with city requirements, or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department.

A copy of the water system plans shall be submitted to the public works and development department by the applicant.

(4) Contract for Public Improvements. After approval of the plans and specifications, and within 48 months of preliminary approval, the applicant shall be required to enter into an agreement to construct and/or improve public facilities to serve the development within 24 months. Prior to the issuance of any construction permits, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. If the applicant is unable to complete the improvements within the two-year time period with good cause, a one-year extension may be granted by the public works and development department. Further extension must be approved by the council. No other development permits shall be issued until the contract is executed and all fees and bonds paid.

Contract for providing a water system shall be negotiated with the Coos Bay/North Bend water board. A copy of the executed agreement shall be submitted to the public works and development department with the contract.

(5) Monumentation. The applicant shall set monuments and furnish a map depicting the monumentation of the exterior boundaries of the tract of land and of the right-of-way lines within the subdivision in accordance with ORS 92.060.

When the improvements contract is executed, the applicant for a subdivision plat shall also enter into a contract to complete the interior monumentation within 24 months, and subsequently present a certified post-monumentation plan. Contract extensions will be handled in the same manner as

improvement contracts (subsection (4) of this section). This contract shall be secured with a performance bond and/or surety, cash, or security deposit.

(6) Bond and/or Surety, Cash, or Security Deposit Provisions. The assurances for completion of public improvements and/or for proper monumentation shall be filed with the city recorder in the nonnegotiable amount as established by resolution of the city council. The bond or deposit shall:

(a) Name the city as obligee.

(b) Be in a form approved by the city attorney.

(c) Be conditioned upon the final approval and acceptance of the development.

(d) Provide for full warranty for improvements for a minimum of two years from the date of final acceptance by the city.

(e) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.

(f) Cover any costs, attorneys' fees, and liquidated damages resulting from delay or failure to meet the deadline.

(g) Remain in the custody of the city until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to city control.

(7) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities. [Ord. 93 § 5.16.6, 1987].

17.335.070 Final plat or map.

(1) Application – Final Plat or Map. A final plat or map, conforming to the approved preliminary plat or map, shall be filed with the public works and development department within 12 months after the improvement contract is executed. The plat or map shall include an exact mylar copy of the plat or map as filed with the county clerk's office and 14 prints of the drawings. The mapping, drafting, and lettering will be done in a neat and legible fashion as determined by staff and will conform with ORS 92.080.

Final plat or map application shall include the information listed below:

(a) Final Plan. All required information shall be clearly and legibly shown on the plat or map.

(i) Map Specifications. Date, north point, legend, topography (bluffs, watercourses, etc.), existing cultural features (highways, railroads, etc.), and scale no less than one inch equals 100 feet unless otherwise approved by staff.

(ii) Boundaries. Legal description; dimensions of tract, block, and lot boundary lines or parcel boundary lines.

(iii) Blocks. Numbered consecutively.

(iv) Lots. Numbered beginning with one and then consecutively.

(v) Parcels. Metes and bounds description.

(vi) Easements. Denoted with fine dotted lines, clearly identified and, if already of record, the recorded reference. If any easement is not recorded, the widths of the easement and the lengths and bearings of the lines and sufficient ties to definitely locate the easement with respect to the development must be shown.

If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

(vii) Dedications. Land parcels to be dedicated for any public or private purpose to be distinguished from lots intended for sale; may include recreational or open space areas.

(viii) Street Data. Right-of-way boundaries, widths and centerlines. For rights-of-way on curvatures, dimensions of the delta angle, arc, length, and tangent shall be shown.

(ix) Survey Data. The length of bearings, delta angles, radii, arcs, points of curvature, and length and bearings of tangents. Bearings shall be to the nearest 10 seconds, except for lot line bearings to the nearest 30 seconds. All distances to the nearest hundredth foot, the error of closure to be one foot in 10,000 feet.

(b) Certificates.

(i) Dedication Certificate. A certificate signed and acknowledged by all parties having any recorded title interest in the land consenting to the preparation and recording of the plat or map, and/or a certificate signed and acknowledged as above,

dedicating all areas of land shown on the final plat and intended for any public use, except those lands which are intended for the exclusive use of the lot owners in the development, their licenses, visitors, tenants, or servants.

(ii) Surveyors Affidavit. A certificate signed and sealed by the licensed surveyor responsible for the survey and the final plat or map.

(iii) Post-Monumentation Affidavit. A certificate signed by the public works and development director verifying the monumentation. This certificate will be executed only upon completion of all public improvements.

(iv) Other. All other certificates now or hereafter required by law.

(c) Supplementary Material Accompanying Plat.

(i) Plat or Map Preparation. Name and address of owner(s), developer, engineer, or surveyor and land planner or landscape architect.

(ii) Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premises.

(iii) Deed Restrictions. Five copies of any deed restrictions applicable to the development.

(iv) Taxes. Written proof that all taxes and assessments on the tract are paid to date.

(v) Public Improvements. Written certification from the public works and development department and the water board that either all improvements have been made or that an agreement has been executed.

(vi) Survey Calculations. Calculations should be properly indexed and should measure eight inches by 11 inches or eight inches by 14 inches. No unnecessary printed, lettered, or written information shall appear on calculation sheets except that which relates to the survey of the development. One set of coordinates shall be used throughout; minus coordinates are not acceptable. Traverse sheets shall contain the following order: point number or lot corner, angle, bearing, horizontal distance, latitude, departure, north coordinate, and east coordinate. Vertical datum benchmark shall be measured from mean sea level. Computed sheets or tapes will be accepted if properly indexed, labeled, and explained.

(2) Application Filing – Final Plat or Map. The final maps and supplemental information shall be presented at least 30 days prior to review by the council.

If the applicant is not prepared to file the final plat or map as required in this section, a preliminary extension of up to six months may be granted by the public works and development department. A request for an extension shall be made in writing and shall include reasons the extension is necessary. Extensions beyond the initial six months shall require the approval of the city council.

If the final material is not presented and there is no request for an extension, the development will be automatically reviewed by the city council. The applicant will be notified to show cause for failure to meet the ordinance provisions.

(3) Staff Review – Final Plat or Map. The final map and other data shall be reviewed by the public works and development department to determine: (a) that the development is substantially the same as approved on the preliminary plat or map, (b) that there has been compliance with provisions of the law and of this title, and (c) that the plat or map is technically correct.

The city will make field checks to verify that the mapping is sufficiently correct and will enter the property without notice for this purpose. If it is determined that there has not been full conformity, the applicant shall be advised in writing of the changes or additions that must be made to bring the plat or map into conformance and an opportunity to make these changes must be given.

(4) Hearing – Final Plat or Map. No public hearing is required for approval of a final plat or map, unless substantial changes or modifications are to be made. In this case, a public hearing shall be held before the planning commission in accordance with the requirements of Chapter 17.300 CBMC.

(5) Decision – Final Plat or Map. The commission and/or the council shall review the final plan and written material supplied by the applicant, staff, and other agencies, and may approve it or direct the applicant to bring it in conformance with the approved preliminary plan. When making final review, the commission and/or council shall consider:

(a) If the plat or map conforms to the requirements of this title.

(b) If the plat or map conforms to the approved requirements of the preliminary plat.

(c) If all conditions have been satisfied and all supplemental documents are satisfactory.

Final approval of the plat or map shall be indicated by the signature of the mayor of the city. If approval cannot be made at that time, the council shall advise the applicant of the changes or additions that must be made and afford the applicant an opportunity to make them.

(6) Filing – Final Plat or Map. City approval of the final plan shall be conditioned on its prompt recordation with the office of the county clerk after securing all other official approvals. Within seven days of recordation of the final plat or map, a mylar copy shall be returned to the public works and development department for city records. [Ord. 93 § 5.16.7, 1987].

17.335.080 Structural permits.

Upon filing the final plat or map, building and structural permits may be issued by the public works and development department. The applicant shall be required, however, to present written verification from the public works and development department and from the water board that sewer and water service is available to the subject lot(s). [Ord. 93 § 5.16.8, 1987].

17.335.090 Acceptance of improvements.

Approval of the final plat or map shall not constitute an offer by the applicant or acceptance by the city of any public improvements or monumentation. Upon completion of the improvements and post-monumentation (CBMC 17.335.060), the applicant shall submit the following record drawings to the public works and development department:

(1) One copy of street and sanitary/storm sewer plan profiles.

(2) One mylar of the certified post-monumentation plan.

Public works and development shall review the material, indicate approval of the post-monumentation by signing the affidavit on the final plat or map, and recommend to the city council that a resolution be passed confirming final acceptance of all public improvements. [Ord. 93 § 5.16.9, 1987].

Chapter 17.340

ESTUARINE AND COASTAL SHORELAND USES AND ACTIVITY

Sections:

17.340.010 General.
17.340.020 Initiation.
17.340.030 Application.
17.340.040 Tentative decision.
17.340.050 Conditions.
17.340.060 Tentative order and notice.
17.340.070 Final order.
17.340.080 Appeal.

17.340.010 General.

Uses and activities permitted by the Coos Bay estuary management plan are subject to general and special conditions and policies to comply with statewide planning goals. Compliance with these conditions and policies must be verified; therefore, all uses and activities under jurisdiction of the Coos Bay estuary management plan must be reviewed. [Ord. 93 § 5.10.1, 1987].

17.340.020 Initiation.

A request to permit these uses and activities may be initiated by a property owner or authorized agent through an application to the public works and development department. If an application has been filed with the Division of State Lands for a state or federal waterway permit, the information contained on the application may be sufficient for review. However, the city application fee shall not be waived. [Ord. 93 § 5.10.2, 1987].

17.340.030 Application.

An application may include any or all of the following items at the discretion of staff. The applicant shall provide one copy of the written information and two copies of the map.

(1) A general location map of the property and a detailed parcel map of the property, each on approximately eight inch by 11 inch paper.

(2) Address and legal description of the property.

(3) Detailed description of the proposed use or activity.

(4) Statement explaining how the proposed use and/or activity complies with the plan and title provisions. [Ord. 93 § 5.10.3, 1987].

17.340.040 Tentative decision.

Within 10 working days of a complete application, staff shall render a tentative decision to approve, approve with conditions, or deny the request after adopting findings of fact which address applicable general or special conditions or policies of the Coos Bay estuary management plan, special resources delineated on the special considerations map of the estuary management plan, and applicable provisions of this title.

Staff may defer the initial review to the planning commission which shall be conducted at a public hearing in accordance with Chapter 17.300 CBMC. If the proposed use is also identified as a conditional use by this title, the decision shall be made by the planning commission in accordance with Chapter 17.355 CBMC. [Ord. 93 § 5.10.4, 1987].

17.340.050 Conditions.

Staff may impose conditions when it is determined that a use or activity may have an impact on the site itself or surrounding property. 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. These conditions may include those specified in Chapter 17.355 CBMC. [Ord. 93 § 5.10.5, 1987].

17.340.060 Tentative order and notice.

A written order of the tentative decision containing findings and conclusions shall be issued by staff. Promptly upon completion of the order, notice of the tentative decision shall be issued as follows:

(1) Mailed notice of the tentative decision shall include:

(a) Date of the tentative decision and the date the decision will become final.

(b) A reasonably written description of the subject property which may include, but is not limited to, any one of the following: a map, postal address, legal description, or tax map designation.

(c) The nature of the pending issue or proposed use.

(d) A list of the applicable criteria upon which the tentative decision was based.

(e) A statement that the application materials and staff report are available for inspection or can be copied at a reasonable cost.

(f) An officer or employee with a phone number of the city from whom additional information can be obtained.

(2) Written notice of the tentative decision shall be made to the applicant, the planning commission, property owners within 250 feet of the external boundaries of the property, and to the following list of interested agencies within 10 days of the date of the order:

(a) State Agencies.

(i) Division of State Lands.

(ii) Department of Fish and Wildlife.

(iii) Department of Environmental Quality.

(iv) Water Resources Department (uses including appropriation of water only).

(v) Department of Geology and Mineral Industries (mining and mineral extraction only).

(vi) Department of Energy (generating and other energy facilities only).

(vii) Department of Economic Development (dock, industrial and port facilities, and marinas only).

(b) Federal Agencies.

(i) U.S. Army Corps of Engineers.

(ii) National Marine Fisheries Service.

(iii) U.S. Fish and Wildlife Service. [Ord. 171, 1991; Ord. 93 § 5.10.6, 1987].

17.340.070 Final order.

The tentative decision shall become final 15 days from the date the order is mailed. [Ord. 93 § 5.10.7, 1987].

17.340.080 Appeal.

The staff's tentative decision may be appealed if a statement of appeal is filed with the public works and development department prior to the date that the decision becomes final. The appeal statement shall contain:

(1) An identification of the decision to be reviewed.

(2) A statement of interest of the applicant.

(3) Reasons the appellant feels aggrieved by the decision, and how the appellant feels the staff erred.

The appeal shall be heard by the planning commission at a public hearing in accordance with the applicable procedures of Chapters 17.300 and 17.305 CBMC. [Ord. 93 § 5.10.8, 1987].

Chapter 17.345

SITE PLAN AND ARCHITECTURAL REVIEW

Sections:

17.345.010 General.
17.345.020 Preapplication.
17.345.030 Application.
17.345.040 Hearing and notice.
17.345.050 Decision.
17.345.060 Conditions.
17.345.070 Findings and order.
17.345.080 Reapplication.

17.345.010 General.

(1) The purposes of the site plan and architectural review process are to:

(a) Implement the policies, goals, and standards of the city council and the comprehensive plan.

(b) Conserve the city's natural beauty and visual character and charm by ensuring that structures, landscaping, and other improvements are suitably related to their sites and surrounding sites and structures with regard given to aesthetic qualities of natural terrain, and that proper attention is given to exterior appearances of structures, landscaping, and other improvements.

(c) Protect and enhance the city's appeal to tourists and visitors and thereby support and stimulate business and industry and promote desirability of investment and occupancy in business.

(d) Achieve the beneficial influence of pleasant environments for living and working.

(e) Provide for the orderly development of property with the timely construction or assurance of necessary public facilities and services in a manner compatible with surrounding property.

(f) Encourage development with appropriate access and transportation systems, and prevent undue traffic congestion and pedestrian hazards.

(g) Minimize costs to the general public of facilities and services necessitated by development by requiring the developing party to bear a reasonable share of these costs when a particular site is developed.

(h) Provide for reasonable development of the city in a manner that will protect the health, safety, and general welfare of the public.

(2) The need for site plan and architectural review shall be specified by the property development standards of the zoning district or by the special condition of the planning commission when approving a special development permit. When required, no building or other general development permit shall be issued until the plans are approved. Site plan and architectural review, if required, shall also apply to major remodeling, that is, any remodeling that represents more than 50 percent of the current value of a building as defined by the International Building Code within a 12-month period.

(3) Construction, site development, and landscaping shall be carried out in accord with the plans, drawings, sketches, and other documents approved by the commission, unless altered with commission approval. Nothing in this section shall prevent ordinary repair or maintenance of a structure or the replacement of landscaping which does not involve a substantial change from the approved plans. [Ord. 93 § 5.11.1, 1987].

17.345.020 Preapplication.

An applicant may submit a sketch plan to be reviewed by the commission before the formal application is filed in order to discuss the general design of the project in relation to the site and surroundings and to property development requirements. An applicant is encouraged to take advantage of a preapplication conference before accruing a considerable expenditure in plan preparation. [Ord. 93 § 5.11.2, 1987].

17.345.030 Application.

An applicant for a general or special development permit for a development which is subject to site plan and architectural review shall submit a plan or plans drawn to scale showing the following as applicable:

(1) Contour lines related to some established bench mark or other datum approved by the public works and development director and having a minimum interval of five feet.

(2) The location and direction of all watercourses and areas subject to flooding.

(3) Natural features, such as rock outcroppings, marshes, wooded areas, indicating those to be preserved and/or removed.

(4) Location of all structures and improvements.

(5) Property lines of the subject site.

(6) Location and size of any areas to be conveyed, dedicated, or reserved as common open spaces, recreational areas, and similar uses.

(7) Existing and proposed vehicular and pedestrian circulation system including bike paths, off-street parking areas, service loading areas, and major points of access to public rights-of-way.

(8) Location and type of irrigation.

(9) Existing and proposed utility systems, including sanitary sewer, storm sewer, drainageways, water and fire hydrants.

(10) General location of and type of trees to be retained on site having a trunk diameter of six inches or more at a point of 24 inches above natural grade.

(11) Precise location or pattern and spacing of all proposed plant materials by size and common name, acceptable alternatives, expected mature appearance, estimated time of maturity, and the purpose intended to be achieved by the landscaping.

(12) Other elements and material type used in site treatment such as fences, walls, paving materials, planter boxes, screening, and ground control.

(13) Architectural drawings or sketches, drawn to scale, showing all elevations and exterior materials of the proposed structures and other improvements and floor plans.

(14) Proposed exterior lighting showing type, height, and area of illumination.

(15) Size, location, material, and illumination of signs.

(16) Time schedule for completion. [Ord. 93 § 5.11.3, 1987].

17.345.040 Hearing and notice.

A public hearing is required before approving a plan and shall be conducted in accordance with all provisions of Chapter 17.300 CBMC. [Ord. 93 § 5.11.4, 1987].

17.345.050 Decision.

No general development permits shall be issued for new construction or major remodeling until the plans have been reviewed and approved by the commission. The site plan and architectural review process shall be used to establish how, not whether, a development may occur, and shall not affect dwelling unit densities, although conditions may

be imposed which are necessary for a development to achieve the minimum requirements of this title. The planning commission may approve, or conditionally approve, the proposed site plan after addressing the following criteria:

(1) The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.

(2) The public and private sewerage and water facilities provided by the development are adequate in location, size, design, and timing of construction to serve the residents or establishments. These facilities meet city standards and relevant policies of the comprehensive plan and provide adequate fire protection.

(3) The grading and contouring of the site, and how site surface drainage and/or on-site surface water storage facilities are constructed to ensure that there is no adverse effect on neighboring properties, public right-of-way, or the public storm drainage system; and that the site development work will take place in accordance with city policies and practices.

(4) Based on anticipated vehicular and pedestrian traffic generation, adequate rights-of-way and improvements to streets, pedestrian ways, bikeways, and other ways are provided to promote safety, reduce congestion, and provide emergency equipment access.

(5) There are adequate off-street parking and loading facilities provided in a safe, well-designed, and efficient manner.

(6) Adequate dedication or reservation of real property for public use, as well as for easements and right of entry for construction, maintenance, and future expansion of public facilities are addressed.

(7) The structural design, location, size, and materials used for buildings, walls, fences, berms, traffic islands, median areas, and signs serve their intended purposes.

(8) Other property development requirements of the zoning district are satisfied. [Ord. 93 § 5.11.5, 1987].

17.345.060 Conditions.

The planning commission may impose other reasonable conditions deemed to be necessary if it is determined the development may have an impact on the site or surrounding property. These conditions shall be stated in terms that are specific and measurable so the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished. These conditions may include but not be limited to those listed in Chapter 17.355 CBMC and below:

(1) Refine the landscaping plan to specify the size, type by common name, and spacing of trees, shrubbery, ground cover, and other plantings and where this landscaping shall occur. Include, as part of the landscaped plan, clearances from specified trees, rocks, waterponds or watercourses, or other natural features. Require that the landscape plan be prepared by a licensed landscape architect, contractor, or nursery proprietor.

(2) Obtain city engineer's approval of a grading, drainage, erosion control, and ground stabilization plan for the collection and transmission of storm or ground water.

(3) Establish vehicle and pedestrian access facilities, including sidewalks.

(4) Limit the height of a building that is proposed to be constructed over 35 feet or increase a building setback up to an additional 20 feet.

(5) In the case of commercial or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic-carrying capacity and safety of the arterial street and that will avoid the cumulative effect of individual access points directly onto the arterial street.

(6) In the case of a development that is not required to provide a frontage road, provide access to a street that intersects an arterial street instead of taking access directly from the arterial street.

(7) Special studies, investigations, or reports to verify that any aspect of the development will not create hazardous conditions for persons or property, for such impacts as geologic or soils conditions, noise, traffic, or landscaping.

(8) Modify the design to provide energy conservation and protect solar or wind access. [Ord. 93 § 5.11.6, 1987].

17.345.070 Findings and order.

The planning commission shall put forth in writing its decision and reasons for making this deci-

sion, in addition to explicitly stating any special conditions attached to the approval. This order shall be forwarded to the applicant within 10 days of the decision. [Ord. 93 § 5.11.7, 1987].

17.345.080 Reapplication.

There shall be no time restriction on a reapplication for site plan and architectural review. [Ord. 93 § 5.11.8, 1987].

Chapter 17.350

VARIANCE

Sections:

17.350.010 General.
17.350.020 Initiation.
17.350.030 Hearing.
17.350.040 Decision.
17.350.050 Conditions.

17.350.010 General.

Strict application or interpretation of the property development standards may result in unnecessary physical hardships or may be inconsistent with the general intent of this title due to size, shape, or dimensions of a site, the location of existing structures, or from geographic, topographic, or other conditions on the site or in the immediate vicinity. In these cases, a variance to the property development standards may be granted subject to quasi-judicial review by the planning commission in order to encourage sound development, permit efficient use of the land, and permit reasonable flexibility in title requirements. A variance is not intended to avoid an inconvenience, increase profitability, correct a self-created hardship, or allow the use of property for a purpose not authorized within the zoning district. [Ord. 93 § 5.12.1, 1987].

17.350.020 Initiation.

A variance may be initiated by a property owner or designated representative. [Ord. 93 § 5.12.2, 1987].

17.350.030 Hearing.

A public hearing is required before granting a variance and shall be conducted in accordance with all provisions of Chapter 17.300 CBMC. [Ord. 93 § 5.12.3, 1987].

17.350.040 Decision.

The planning commission may approve, conditionally approve, or deny a permit for a variance from the property development requirements of this title only after adopting findings or statements of fact which substantiate any two of the following conclusions:

(1) There are physical, exceptional, extraordinary circumstances or conditions applicable to the

property involved which do not apply generally to other property in the same district.

(2) Strict application of the provisions of this title will constitute an unnecessary hardship or practical difficulty; provided, that the hardship or difficulty was not created by the applicant or an owner of the property.

(3) The variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard.

Although variances generally run with the land, the approval may be limited to the applicant or to the proposed use. [Ord. 93 § 5.12.4, 1987].

17.350.050 Conditions.

The planning commission may impose other conditions deemed to be necessary for any variance when it is determined that the variance may have an impact on the site or surrounding property which can be successfully mitigated by conditions. These substantive 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. These conditions may include those specified in Chapter 17.355 CBMC. [Ord. 93 § 5.12.5, 1987].

Chapter 17.355

CONDITIONAL USE

Sections:

17.355.010 General.
17.355.020 Quasi-judicial review.
17.355.030 Administrative review.
17.355.040 Decision.
17.355.050 Conditions.

17.355.010 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 public works and development director, or his or her designee, or to a quasi-judicial review by the planning commission, as set forth in Division II of this title, 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 this title 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 CBMC 17.355.030. [Ord. 93 § 5.13.1, 1987].

17.355.020 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 17.300 CBMC.

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 CBMC 17.355.040. [Ord. 93 § 5.13.2, 1987].

17.355.030 Administrative review.

The public works and development 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 CBMC 17.355.040.

(1) Notice. Before making an administrative decision, the public works and development 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.

(2) Notice of Decision.

(a) Within five working days after the decision is signed, a notice of decision shall be mailed to:

(i) The applicant and all owners or contract purchasers of record of the site which is the subject of the application; and

(ii) 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:

(i) A description of the applicant's proposal and the city's decision on the proposal;

(ii) A statement of where the city's decision can be obtained and the date the decision shall become final, unless appealed;

(iii) Notification of rights to appeal, and that appeals must be made in accordance with Chapter 17.305 CBMC.

(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. [Ord. 93 § 5.13.3, 1987].

17.355.040 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 Division IV of this title, 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 Division IV of this title.

(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. [Ord. 93 § 5.13.4, 1987].

17.355.050 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, alleys, 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, and 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 nonremonstrance against an improvement district through a deed covenant to ensure provision 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. [Ord. 309, 2001; Ord. 93 § 5.13.5, 1987].

Chapter 17.360

CHANGE IN ZONE DESIGNATION

Sections:

17.360.010 General.
17.360.020 Initiation.
17.360.030 Recommendation for geographic expansion.
17.360.040 Hearing.
17.360.050 Decision.
17.360.060 Conditions.
17.360.070 "Q" qualified classification.

17.360.010 General.

A change in zone designation may be made to correct a mistake in the original zoning, or for other reasons which satisfy the criteria set forth in this section. The overriding consideration in granting a change in zone designation is whether all uses permitted by the new designation are appropriate and compatible with uses in the surrounding zones and with the comprehensive plan, not only the use which would be permitted in the specific proposal under review. A change in zone designation can be approved on a conditional use basis effective only for the specific use proposed by the applicant; should the property cease to be used for such specific use, the zone designation, and the plan designation if it had been changed in conjunction with the rezone, would revert automatically to the designations it possessed immediately prior to the granting of the qualified rezone. [Ord. 320, 2002; Ord. 93 § 5.14.1, 1987].

17.360.020 Initiation.

A request to change a zone designation may be initiated by:

(1) The city council or planning commission on their own motion.

(2) A request by the public works and development department.

(3) A request of a property owner or the owner's authorized representative. [Ord. 320, 2002; Ord. 93 § 5.14.2, 1987].

17.360.030 Recommendation for geographic expansion.

The director of public works and development may request an expansion of the geographic limits of the area subject to the new zone designation set forth in an application, if, in the director's judgment, such an expansion would advance the policies and objectives of the comprehensive plan or result in development which is compatible with development authorized in the surrounding districts. The director shall submit the request to the hearings body prior to publication of the notice of public hearing. After the public hearing, the hearings body may expand the geographic limits, or deny the director's request. [Ord. 320, 2002; Ord. 93 § 5.14.3, 1987].

17.360.040 Hearing.

A public hearing is required before granting a change in zone designation and shall be conducted in accordance with Chapter 17.300 CBMC. [Ord. 320, 2002; Ord. 93 § 5.14.4, 1987].

17.360.050 Decision.

(1) If a comprehensive plan map amendment is proposed or required in conjunction with a change in zone designation, the amendment shall be processed concurrently as set forth in Chapter 17.380 CBMC.

(2) The hearings body may make a recommendation to the city council to approve or approve with conditions a change in zone designation, only after adopting findings of fact which substantiate:

(a) The existing zone designation was the product of a mistake in the original zoning; or

(b) All of the following criteria:

(i) The change in zone will conform with the policies and objectives of the comprehensive plan;

(ii) The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts;

(iii) The change will not prevent the use of other land in the vicinity;

(iv) It is appropriate at this time to permit the specific type of development or change in zone designation into the area in which it had not previously existed; and

(v) The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay transportation system plan.

(3) A determination by the planning commission that a change in zone designation is not appropriate is a final decision not requiring further action by the city council, unless appealed.

(4) A determination by the planning commission that approval or approval with conditions is appropriate shall not in itself constitute a change in the zoning designation or a final decision.

(5) The city council shall hold a public hearing, review the record and the planning commission's recommendation, shall enact, enact with conditions, or not enact the proposed change in zone designation, and shall make findings which support its decision. The city council will allow additional evidence to be presented at the time of public hearing, but shall, if requested by the applicant or appellant, grant additional time to respond to new evidence first presented at this hearing. [Ord. 344, 2004; Ord. 320, 2002; Ord. 93 § 5.14.5, 1987].

17.360.060 Conditions.

Conditions on the new zone designation may be imposed to protect the health, safety, and general welfare of the neighborhood and general public. These conditions include, but are not limited to, those listed in Chapter 17.355 CBMC. [Ord. 320, 2002; Ord. 93 § 5.14.6, 1987].

17.360.070 "Q" qualified classification.

The city council may place the property in a "Q" qualified rezoning classification where limitations are imposed pursuant to CBMC 17.360.010. The "Q" qualified classification shall be indicated by the symbol "Q" following the approved zoning designation (e.g., C-1 Q). [Ord. 320, 2002; Ord. 93 § 5.14.7, 1987].

Chapter 17.365

CULTURAL RESOURCES

Sections:

17.365.010 Purpose.
17.365.020 Development, alteration, or demolition of cultural resources.
17.365.030 Hearing.
17.365.040 Decision.
17.365.050 Waiting period.
17.365.060 Conditions.
17.365.070 Maintenance and repair.

17.365.010 Purpose.

The recognition, protection, enhancement, recovery, and adaptive use of cultural resources embodying Coos Bay's historical heritage can improve civic identity and add cultural and educational enrichment. The purpose of the following regulations is to:

(1) Identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses.

(2) Promote the continued use of historic buildings without detrimentally affecting their significance.

(3) Enhance the visual character of the city by encouraging the renovation of historic structures.

(4) Foster public appreciation and a sense of community identity based on the beauty and heritage of the city.

(5) Protect and enhance the city's attraction to residents, tourists, and visitors. [Ord. 93 § 5.15.1, 1987].

17.365.020 Development, alteration, or demolition of cultural resources.

(1) General. Any property identified as a cultural resource shall not be developed, altered, remodeled, relocated, or demolished if this activity will detrimentally affect the significance of the resource. This section sets forth the procedure to determine the site's significance and to weigh a conflict between conservation and alteration or removal before approval of any such activity.

(2) Application. Prior to the issuance of any general or specific development permit, the property owner or authorized agent shall submit to the

public works and development department, as applicable:

(a) Property legal description.

(b) Plans or drawings showing the property and existing building dimensions and the character or details of the exterior, structural alterations (including additions), and, if a demolition is planned, the proposed use of the site.

(c) Statement explaining why the resource should or should not be preserved or protected. Supporting evidence from a qualified resource specialist is encouraged.

(d) If a demolition is proposed, a statement from the State Historic Preservation Office about the resource's value, and a structural survey by the building official.

(e) If an archaeological site will be disturbed, proof that the Coos, Siuslaw, and Lower Umpqua Tribal Council and the State Historic Preservation Office have been notified and given the opportunity to respond.

(3) Exception. A cultural resource permit shall not be required of a certified cultural resource if:

(a) The owner or agent has received a special assessment for historic properties from the State Historic Preservation Office; and

(b) The approval of special assessment includes a review of the proposed development, alteration, or remodel.

To be eligible for this exception, the owner or agent shall submit plans for the work and documentation that these plans have received state approval. If a development or building permit is issued for the work, the city shall assure that the work is completed in conformance with the state-approved plan. [Ord. 93 § 5.15.2, 1987].

17.365.030 Hearing.

A public hearing is required before development, alteration, or demolition of a cultural resource and shall be conducted in accordance with all provisions of Chapter 17.300 CBMC. [Ord. 93 § 5.15.3, 1987].

17.365.040 Decision.

The application shall be reviewed by the planning commission and they shall approve, conditionally approve, or deny it only after adopting findings of fact which substantiate pertinent conclusions. Unless already determined in the comprehensive plan or by a previous application, the commission shall determine the value of the resource and make findings for the criteria listed in subsection (1) of this section. If the commission finds that the resource is valuable and warrants some protection, this conclusion shall be weighed against the criteria of subsection (2) or (3) of this section.

(1) Cultural Resource Value. The commission must make findings to support at least one of the following conclusions:

(a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

(b) It is identified with persons or events significant in local, state, or national history; or

(c) The resource is representative of the notable work of a builder, designer, or architect; or

(d) The resource embodies distinctive characteristics of a style, type, period, or method of construction or is valuable as an example of the use of indigenous materials or craftsmanship.

(2) Development, Alteration, or Relocation of a Structure. The commission must make findings to support the conclusion that the proposal is compatible with the character and value of the resource. The commission shall consider as applicable:

(a) Building coverage and height.

(b) Yards.

(c) Predominant architectural features and fixtures, appurtenances, or detailing.

(d) Building materials.

(e) Visual characteristics, such as paint color and surface texture, grading, surface paving, and landscaping.

(3) Demolition of a Structure or Disturbance of an Archaeological Resource. The commission must make findings to support all of the following conclusions:

(a) It is not feasible to maintain or preserve the resource.

(b) Feasible alternatives to the proposed activity have been explored.

(c) The proposed use of the site or resource is compatible with the zoning and current use of the land and its immediate surroundings. [Amended during 2008 recodification; Ord. 93 § 5.15.4, 1987].

17.365.050 Waiting period.

If a demolition or disturbance to an archaeological site is proposed, the commission may impose a waiting period up to 120 days to enable the applicant to seek other alternatives. If the demolition of a structure is proposed, the alternatives shall include but not be limited to:

(1) Public or private acquisition and restoration.

(2) Sale of the premises to a party capable of maintaining, restoring, or relocating the resource.

(3) Salvage of Significant Features. If a disturbance to an archaeological site is proposed, or a previously unknown or unrecorded archaeological site is encountered during the development, the alternatives shall include but not be limited to:

(a) Clustering development to avoid disturbing the resource.

(b) Designing the development so that the sensitive resource area is used for nonimpacting activities, such as storage, parking, or open space.

(c) If permitted pursuant to the requirements of state law, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains in accordance with the wishes of Tribal Council.

(d) Using civil means to ensure adequate protection of the resources such as acquisition of easements, public dedications, or transfer of title.

At the next regularly scheduled commission meeting after the end of the waiting period, the commission shall reconsider evidence that alternatives were duly pursued and evaluate this information against the decision criteria (CBMC 17.365.040). [Ord. 93 § 5.15.5, 1987].

17.365.060 Conditions.

The planning commission may impose other conditions deemed to be necessary to ensure the value of the resource will be protected. These conditions shall be stated in terms that are specific and measurable so the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished.

(1) These conditions may include those specified in Chapter 17.355 CBMC.

(2) File a pictorial or graphic record of the structure with the public works and development department before the substantial alteration or demolition. [Ord. 93 § 5.15.6, 1987].

17.365.070 Maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance. This chapter also shall not prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature if the building official certifies to the commission that such action is required for public safety by the State Structural Specialty Code. [Ord. 93 § 5.15.7, 1987].

Chapter 17.370

DEDICATION OF RIGHTS-OF-WAY OR OTHER PUBLIC PROPERTY

Sections:

17.370.010 General.
17.370.020 Initiation.
17.370.030 Decision.
17.370.040 Conditions.

17.370.010 General.

It may be necessary to create and dedicate a right-of-way or other public property without the division of land. In such cases, the right-of-way or public property may be created by deed. [Ord. 93 § 5.17.1, 1987].

17.370.020 Initiation.

The dedication of a right-of-way or other public property by deed may be initiated by:

(1) A majority vote of the city council for the purpose of general traffic circulation, recreation, open space, or other public purpose.

(2) A request of a property owner if no land division will result. [Ord. 93 § 5.17.2, 1987].

17.370.030 Decision.

The planning commission shall review the proposed dedication and make a recommendation to the city council to approve or deny the proposed dedication. The commission shall consider the proposal in relation to adequate traffic circulation, surrounding property development, or other intended purpose.

The city council shall review the commission's recommendation and approve or deny the proposed dedication by deed. The council shall then adopt a resolution accepting the land for public purposes. [Ord. 93 § 5.17.3, 1987].

17.370.040 Conditions.

The approved deed shall contain the language, "The City of Coos Bay agrees to accept said property for the purpose conveyed," and the deed properly recorded. Other special conditions may be imposed upon an approval at the council's discretion. [Ord. 93 § 5.17.4, 1987].

Chapter 17.375

VACATION

Sections:

17.375.010 General.
17.375.020 Initiation.
17.375.030 Staff review of private application.
17.375.040 Hearing.
17.375.050 Decision.
17.375.060 Conditions.
17.375.070 Effective date.

17.375.010 General.

The city may find it appropriate and necessary to vacate a street, alley, plat, or other public place when the public interest will not be prejudiced by the proposed vacation. Example of instances where the public interest would be prejudiced include, but are not limited to, situations where the vacation would adversely affect public access or hinder efficient development. Vacation may be found to be appropriate and necessary for municipal purposes or to promote public welfare. [Ord. 320, 2002; Ord. 93 § 5.18.1, 1987].

17.375.020 Initiation.

(1) A vacation may be initiated by a property owner who has submitted to the public works and development department:

(a) A notarized petition of consent signed by owners of the "affected property" as defined by state statute; this includes the written, notarized consent of each of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby.

For the purposes of this section, "real property affected thereby" shall be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted;

(b) A legal description and map of the ground proposed to be vacated;

(c) The purpose and justification for the vacation; and

(d) If applicable, a plat showing the proposed manner of replatting or rededication.

(2) A vacation may be initiated by the city council by a majority vote without a petition or consent of property owners and prior to giving public notice. [Ord. 320, 2002; Ord. 93 § 5.18.2, 1987].

17.375.030 Staff review of private application.

The public works and development department shall verify that the signed petition is valid and meets the requirements of CBMC 17.375.020. The application shall then be presented to the city council with an initial recommendation from the public works and development department. [Ord. 320, 2002; Ord. 93 § 5.18.3, 1987].

17.375.040 Hearing.

If a vacation is initiated by petition and the council concludes the vacation has merit, or if a vacation is initiated upon motion by the council, the council shall set a date for public hearing before the planning commission in accordance with the provisions of Chapter 17.300 CBMC. [Ord. 320, 2002; Ord. 93 § 5.18.4, 1987].

17.375.050 Decision.

The planning commission shall make a recommendation to the city council to approve, conditionally approve, or deny a request for a vacation. The council shall review the record and affirm, amend, or reverse the commission recommendation, or remand the matter back for further consideration.

Actions of the commission and the council shall be taken only after adopting findings or statements of fact which substantiate all of the following conclusions:

(1) Vacation Initiated by Private Property Owner.

(a) Consent of the affected property owners has been obtained.

(b) Notice has been duly given.

(c) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.

(d) The public interest will not be prejudiced by the vacation.

(2) Vacation Initiated by Council Motion.

(a) Owners of the majority of the area affected have not objected to the vacation in writing prior to the hearing.

(b) The vacation of a street will not substantially affect the marketability of abutting property in terms of access, utility services, or protective services, unless the owners of the affected property consent or provisions have been made to pay damages.

(c) Notice has been duly given.

(d) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.

(e) The public interest will not be prejudiced by the vacation. [Ord. 344, 2004; Ord. 320, 2002; Ord. 93 § 5.18.5, 1987].

17.375.060 Conditions.

The planning commission and council may, at the applicant's expense, impose conditions deemed to be necessary for the vacation, including but not limited to:

(1) Retention of easements for physical access, public utilities, or other public service facilities and limitations on the use of the area adjacent to those facilities.

(2) Construction or removal of public utilities or other public service facilities and limitations on the use of the area adjacent to those facilities.

(3) Replatting or rededication of land to be vacated.

(4) Improvement of streets or alleys prior to rededication.

(5) Protection of solar or wind access. [Ord. 320, 2002; Ord. 93 § 5.18.6, 1987].

17.375.070 Effective date.

Upon approval of a proposed vacation and/or fulfillment of conditions, the city council shall enact an ordinance which declares the land to be vacated and specifies the conditions under which the vacation is made. The proposed vacation will become effective 30 days after enactment of the ordinance, unless an appeal is filed. [Ord. 320, 2002; Ord. 93 § 5.18.7, 1987].

Chapter 17.380

AMENDMENTS TO THE PLAN AND/OR THIS TITLE

Sections:

17.380.010 General.
17.380.020 Initiation.
17.380.030 Hearing.
17.380.040 Decision.
17.380.050 Effective date.

17.380.010 General.

It will be necessary to amend the comprehensive plan or the text of this title in order to remain in conformity with state law, Oregon Administrative Rules and other policies, and whenever public necessity, convenience, and welfare require it.

Such amendments are legislative acts, solely within the authority of the city council. However, as a land use action, any amendment shall be subject to a thorough review of the issues and factual information, evaluation of alternative measures, and public review and input. [Ord. 320, 2002; Ord. 93 § 5.19.1, 1987].

17.380.020 Initiation.

An amendment may be initiated through:

(1) Motion, and upon majority vote of the city council or planning commission.

(2) The public works and development department.

(3) A request of a property owner or the property owner's authorized representative. [Ord. 320, 2002; Ord. 93 § 5.19.2, 1987].

17.380.030 Hearing.

A public hearing shall be scheduled before the planning commission. The hearing shall be conducted in accordance with Chapter 17.300 CBMC. [Ord. 320, 2002; Ord. 93 § 5.19.3, 1987].

17.380.040 Decision.

The planning commission shall make a recommendation to the city council to enact or not enact amendments. The city council shall hold a public hearing following the planning commission hearing. The council shall review the record, including staff comments, and planning commission recommendation and shall enact, enact with conditions, or not enact the proposed amendment. The city council will allow additional evidence to be presented at the time of the public hearing.

The council shall take action only after making findings of fact which establish:

(1) For a proposed title text amendment:

(a) An acceptable rationale which supports the need for the amendment; and

(b) The amendment complies with the applicable provisions of the comprehensive plan.

(2) For a proposed plan amendment:

(a) Identification of new planning problems and issues;

(b) Collection and analysis of inventories and other pertinent factual information;

(c) Evaluation of alternative courses of action and ultimate policy choices; and

(d) Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

(e) Amendments to the comprehensive plan shall assure that allowed land uses are consistent with the function, capacity, and performance standards of the transportation system plan. This assurance shall be accomplished by one of the following:

(i) Limiting allowed land uses to be consistent with the planned function of the affected transportation facility; or

(ii) Amending the transportation system plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with requirements of the Transportation Planning Rule (OAR 660 Division 12); or

(iii) Altering land use designations, densities, or design standards to reduce demand for automobile travel and meet travel needs through other modes; or

(iv) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater vehicle congestion where multi-modal travel choices are provided.

(3) The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay transportation system plan. [Ord. 344, 2004; Ord. 320, 2002; Ord. 93 § 5.19.4, 1987].

17.380.050 Effective date.

Upon approval of the proposed amendment, the city council shall direct the preparation of an ordinance declaring the change. The proposed amendment will become effective 30 days after enactment of the ordinance, unless an appeal is filed. [Ord. 320, 2002; Ord. 93 § 5.19.5, 1987].

Chapter 17.385

ANNEXATION

Sections:

17.385.010 General.
17.385.020 Initiation.
17.385.030 Hearing.
17.385.040 Decision.
17.385.050 Conditions.
17.385.060 Zoning of annexed area.
17.385.070 Final action.

17.385.010 General.

Annexation procedures are meant to facilitate the orderly expansion of the city and the efficient extension of public facilities and services. They are also intended to provide adequate public review and establish a system for measuring the physical, environmental, and related social impacts of a proposed annexation. [Ord. 93 § 5.20.1, 1987].

17.385.020 Initiation.

In accordance with state law, initiation of an annexation may be made by the petition of a property owner in the area proposed for annexation or by a majority vote of the city council. [Ord. 93 § 5.20.2, 1987].

17.385.030 Hearing.

Upon initiation of an annexation, the council shall set a date for a public hearing to be held before the planning commission in accordance with all provisions of Chapter 17.300 CBMC to determine whether the proposed annexation would comply with the comprehensive plan. [Ord. 93 § 5.20.3, 1987].

17.385.040 Decision.

The planning commission shall make a recommendation to the city council regarding the proposed annexation if findings of fact can be substantiated that it is in accordance with the comprehensive plan unless the plan and implementing ordinances do not control the annexation or substantial changes in conditions have occurred which render the comprehensive plan inapplicable to the annexation.

The council shall review this recommendation and affirm or change the decision or remand the

matter back for further consideration. [Ord. 93 § 5.20.4, 1987].

17.385.050 Conditions.

The planning commission and council may impose special conditions deemed to be necessary to preserve any social, environmental, and physical impacts or to facilitate the provision of public facilities and services. [Ord. 93 § 5.20.5, 1987].

17.385.060 Zoning of annexed area.

Zoning regulations applicable to an area prior to its annexation shall continue to apply in accordance with ORS 227.310 unless at the time of annexation or at a subsequent time the city council places the annexed area in a zoning classification established by this title. The city council may, in the ordinance annexing the area to the city, place all or any part of the area in a zoning designation established by this title if notice required by the annexation proceedings includes a declaration of the council's intention to so zone the property and if the council has received a report and recommendation from the planning commission for the appropriate zoning of the area. [Ord. 93 § 5.20.6, 1987].

17.385.070 Final action.

Upon a favorable determination under CBMC 17.385.040, the council may proceed with consideration of the proposed annexation in accordance with state law. [Ord. 93 § 5.20.7, 1987].

Chapter 17.390

ARCHITECTURAL DESIGN REVIEW

Sections:

17.390.010 General.
17.390.020 Application.
17.390.030 Notice and hearing.
17.390.040 Decision.
17.390.050 Findings and order.
17.390.060 Reapplication.
17.390.070 Rebuttal.

17.390.010 General.

(1) The purpose of the architectural design review process is to guide the construction of private and public development to ensure that structures, landscaping, and other improvements are consistent with the architectural design review goals and standards specified by the property development standards for the zoning district.

(2) Where architectural design review is required, no building or other general development permit shall be issued until plans are approved pursuant to the architectural design review goals and standards. The acceptability of proposals will be commented on by the historical design review committee (HDRC). [Ord. 302, 2007; Ord. 93 § 5.21.1, 1987].

17.390.020 Application.

An applicant for a development permit which is subject to architectural design review shall submit a plan(s) drawn to scale. Staff will determine which of the elements listed below are applicable to the proposed project.

(1) A site plan, drawn to scale, with:

(a) Project name;

(b) Vicinity map;

(c) Scale (1:20 or larger);

(d) North arrow;

(e) Date;

(f) Street names and locations abutting the development;

(g) Location of all parking areas and spaces, ingress and egress to the site and on-site circulation;

(h) Zoning designation;

(i) Dimensions of lots, structures and other constructed features;

(j) Location and general use of all improvements;

(k) Location of all freestanding signs and light pole standards;

(l) Percentage of lot coverage by structures, paving and walls, and landscaping.

(2) A landscape plan, drawn to scale, with:

(a) Project name;

(b) Scale (1:20 or larger);

(c) North arrow;

(d) Date;

(e) Location of all parking areas and spaces, ingress and egress to the site;

(f) General use of all improvements;

(g) Location of all freestanding signs and light poles;

(h) Location, size, type and variety of plantings and pertinent features of the landscaping.

(3) The elevations and locations of:

(a) All proposed exterior signs;

(b) Exterior elevations of each side of all buildings on the site as they will appear after construction. Such plans shall indicate material, texture, shape and other design features of the structure(s), including all mechanical and electrical devices;

(c) Heights of structures above street grade;

(d) Number of stories;

(e) Datum for elevations used (m.s.l. or m.l.l.w.).

(4) A color-board illustrating the color selection for exterior project materials. [Ord. 302, 2007; Ord. 93 § 5.21.2, 1987].

17.390.030 Notice and hearing.

A public hearing is required before approving a plan and shall be conducted in accordance with all provisions of Chapter 17.300 CBMC. [Ord. 302, 2007; Ord. 93 § 5.21.3, 1987].

17.390.040 Decision.

Taking comments of the historical design review committee into consideration, the planning commission will render a decision on the proposal based on the architectural design review goals and standards specified by the property development requirements of the zoning district, subject to appeal to the city council. [Ord. 302, 2007; Ord. 93 § 5.21.4, 1987].

17.390.050 Findings and order.

The hearing body shall prepare findings of fact and a written order as set forth in Chapter 17.300 CBMC. [Ord. 302, 2007; Ord. 93 § 5.21.5, 1987].

17.390.060 Reapplication.

There shall be no time restriction on a reapplication for design review. [Ord. 302, 2007; Ord. 93 § 5.21.6, 1987].

17.390.070 Rebuttal.

There shall be a rebuttable presumption that the imposition of architectural design review goals and standards under this chapter do not restrict the use of real property in a manner which has the effect of reducing the value of the property. In any application for a development permit, the owner shall indicate whether the owner intends to rebut the presumption, and seek a release of the restriction. [Amended during 2008 recodification; Ord. 307, 2007; Ord. 302, 2001; Ord. 93 § 5.21.7, 1987].

Division VI. Urban Renewal Plans

Chapter 17.395

1998 COOS BAY URBAN RENEWAL PLAN

Sections:
17.395.010 Findings.
17.395.020 Amendments.

17.395.010 Findings.

The city of Coos Bay finds:

(1) The urban renewal area continues to be blighted due to building deterioration, inadequate infrastructure facilities for development, and based on other reasons and findings set forth in the urban renewal plan and report.

(2) Rehabilitation and redevelopment is necessary to encourage economic development, reverse deterioration and thereby protect and improve the welfare of the city.

(3) The urban renewal plan conforms to the comprehensive plan for the city of Coos Bay and provides an outline and procedure for accomplishing the proposed urban renewal projects.

(4) The urban renewal plan as amended does anticipate acquisition of property. The plan does identify four purposes for which land may be acquired (Chapter 6). If occupied property is acquired for redevelopment, the urban renewal plan (Chapter 5) includes guidelines for displacement and relocation in accordance with the requirements of ORS 281.045 to 281.105 and any other applicable laws or regulations.

(5) The acquisition of real property shall only be undertaken when it is necessary to achieve the objectives of the plan and implement the proposed urban renewal projects.

(6) Adopting and carrying out of the urban renewal plan is economically sound and feasible as supported by the urban renewal report.

(7) The city of Coos Bay hereby assumes the responsibility to complete the activities and projects as outlined in the urban renewal plan. [Ord. 130 § 1, 1988].

17.395.020 Amendments.

The 1994 amendments to the map and text of the 1988 Urban Renewal Plan are hereby approved and incorporated herein by reference. The boundaries of the urban renewal district are as set forth in Appendix A of the urban renewal plan. [Ord. 210 §§ 1, 2, 1994; Ord. 130 § 2, 1988].

NOT PART OF CHAPTER 17 40

Chapter 17.25
NONCONFORMANCE

Sections:

17.25.010 Nonconforming use – General.
17.25.020 Change in nonconforming use.
17.25.030 Discontinuation of a nonconforming use.
17.25.040 Restoration of a nonconforming use.
17.25.050 Enlargement of a nonconforming use.
17.25.060 Maintenance of a nonconforming use.
17.25.070 Nonconforming structure – General.
17.25.080 Change in nonconforming structure.
17.25.090 Maintenance or repair of a nonconforming structure.
17.25.100 Nonconforming mobile home parks.
17.25.110 Nonconforming lot or parcel of record.

17.25.010 Nonconforming use – General.
If, at the time of enactment of the ordinance codified in this title or any amendment, any lot or structure was being used in an otherwise lawful manner but does not conform to the use provisions of this title, the use shall be deemed to be nonconforming. However, it may continue in the manner and to the extent that it existed upon enactment of the ordinance codified in this title or its amendments, subject to the provisions of this chapter. [Ord. 93 § 1.5.1, 1987].

17.25.020 Change in nonconforming use.
(1) Any nonconforming use changed to a use conforming to the regulations established for the district in which it is located shall not afterwards be changed back to a nonconforming use.

(2) A person occupying a nonconforming use may engage in activities within the same structure that are directly permitted by the underlying zone. These activities may be added incrementally. However, if more than 50 percent of the building coverage is used for the permitted use, the nonconforming use shall desist or conform to the requirements of the underlying zone.

(3) An existing, detached structure of a nonconforming use may be converted to a use directly permitted by the underlying zone in addition to the maintenance of the remaining nonconforming use; provided, that the detached structure represents less than 50 percent of the building coverage of all structures on the property. [Ord. 93 § 1.5.2, 1987].

17.25.030 Discontinuation of a nonconforming use.
Whenever a nonconforming use has been discontinued for a continuous period of 24 months, or whenever there is a clear intent on the part of the owner to abandon a nonconforming use, this use shall not be re-established and further use of the premises shall be in conformity with the regulations of the district. [Ord. 440 § 3 (Exh. A(A)), 2010; Ord. 93 § 1.5.3, 1987].

17.25.040 Restoration of a nonconforming use.
A structure housing a nonconforming use which is damaged by any cause to an extent of not more than 50 percent of the replacement value at that time may be restored and the same use or occupancy resumed; provided, that this restoration is started within a period of 120 days. This time limitation may be waived by the zoning officer should practical difficulties be evident. Any decision by the zoning officer may be appealed to the planning commission. [Ord. 93 § 1.5.4, 1987].

17.25.050 Enlargement of a nonconforming use.
The enlargement of a nonconforming use may be permitted one time after the enactment of the ordinance codified in this title upon approval by public works and development staff who shall also consider the specific conditions listed below. It is the intent that enlargement of a nonconforming use may take place; provided, that the expansion does not add to the intensity of the use and ultimately change its character.

(1) The nature and character of the use is unchanged.

(2) The same facilities are substantially used and the enlargement will be no more than 20 percent of the total, existing building coverage, if all or some of the nonconforming use is conducted wholly within a structure. If the nonconforming use is conducted outside, the enlargement shall not increase the area devoted to the nonconforming use beyond the permitted building coverage of the district, and all property development standards shall be observed. In this case, "building coverage" shall mean not only the coverage of all existing buildings, but also the exterior area devoted to the nonconforming use. [Ord. 93 § 1.5.5, 1987].

17.25.060 Maintenance of a nonconforming use.
Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

Maintenance or repair shall constitute less than 50 percent of the replacement value of the work being done. [Ord. 93 § 1.5.6, 1987].

17.25.070 Nonconforming structure – General.
If, at the time of enactment of the ordinance codified in this title or any amendment, any structure, sign or mobile home park located or erected in an otherwise lawful manner does not conform to the development standards of this title, the structure, sign or mobile home park shall be deemed to be nonconforming. However, it may continue in the manner and to the extent that it existed upon enactment of the ordinance codified in this title or its amendments, subject to the provisions of this section. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.1, 1987].

17.25.080 Change in nonconforming structure.
A structure conforming with respect to use but nonconforming with relation to yard, height, or lot coverage requirements may be altered or extended if the alteration or extension does not deviate further from the requirements of this title. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.2, 1987].

17.25.090 Maintenance or repair of a nonconforming structure.
Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

Maintenance or repair shall constitute less than 50 percent of the replacement value of the work being done. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.3, 1987].

17.25.100 Nonconforming mobile home parks.
Only certified factory-built homes shall be allowed in a nonconforming mobile home park, with exception of recreational vehicles which are allowed in designated recreational vehicle sites within a nonconforming mobile home park.

Any change in the designated use of an existing site is subject to a site plan and architectural review and the number of recreational vehicles will not be allowed to exceed 10 percent of the total number of mobile home sites. [Ord. 148 § 1, 1989; Ord. 93 § 1.6.4, 1987].

17.25.110 Nonconforming lot or parcel of record.
There may be single lots or parcels that are substandard where the minimum width or total area is less than that prescribed by this title; provided, that:

(1) The single lot or parcel was recorded with the office of the county clerk at the time the ordinance codified in this title became effective, and

(2) All other property development requirements of the district are satisfied, then a substandard lot may be developed for any permitted use of the underlying zone or a person may apply for any conditional use of the underlying zone. [Ord. 93 § 1.7, 1987].

This page of the Coos Bay Municipal Code is current through Ordinance 440, passed November 2, 2010.
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Chapter 17.45
MULTIPLE RESIDENTIAL DISTRICT (R-3)

Sections:

17.45.010 Intent.
17.45.020 Permitted uses.
17.45.030 Conditional uses.
17.45.040 Uses expressly prohibited.
17.45.050 Property development requirements.

17.45.010 Intent.
The R-3 district is included in the zoning regulations to achieve the following city objectives:

(1) To encourage the development of higher density multiple residential structures, rather than lower density areas.

(2) To serve as a transitional district from commercial and professional districts to lower density single-family and duplex residential districts.

(3) To provide a variety of housing types to satisfy individual preferences and financial capabilities. [Ord. 93 § 2.3.1, 1987].

17.45.020 Permitted uses.
The following uses are permitted in the R-3 zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Group residential.

(d) Multiple-family dwelling.

(e) Zero lot line development (see Chapter 17.150 CBMC).

(f) Legally established single-family and duplex residential use types, pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

(2) Commercial Use Types.

(a) Child care facility (fewer than 13).

(b) Home occupation (see Chapter 17.260 CBMC).

(c) Tourist habitation – Bed and breakfast. [Ord. 440 § 3 (Exh. A(B)), 2010; Ord. 398, 1997; Ord. 148 § 9, 1989; Ord. 93 § 2.3.2, 1987].

17.45.030 Conditional uses.

The following uses are permitted in the R-3 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Accessory apartment (see Chapter 17.250 CBMC).

(b) Duplex dwelling.

(c) Group residential care facility.

(d) Multiple-family dwelling, greater than 35 feet in height and three stories.

(e) Planned unit development (see Chapter 17.270 CBMC).

(f) Single-family dwelling, including manufactured homes which are subject to special siting standards.

(g) Single-family dwelling combined with a multiple-family dwelling on the same lot.

(2) Civic Use Types. Buildings must be residential in appearance and maintain the character of the area and must maintain yards as required by Chapter 17.150 CBMC.

(a) Administrative service.

(b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(c) Community recreation.

(d) Educational service.

(e) Library service and cultural exhibit.

(f) Lodge, club, fraternal, or civic assembly.

(g) Public safety service.

(h) Religious assembly.

(i) Utility and service – No outside storage of equipment permitted.

(3) Commercial Use Types.

(a) Child care facility.

(b) Convenience sales and personal service.

(c) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC). [Ord. 309, 2001; Ord. 206, 1994; Ord. 93 § 2.3.3, 1987].

17.45.040 Uses expressly prohibited.
The following uses are expressly prohibited in the R-3 zoning district:

(1) Residential Use Types. Certified factory-built home (except manufactured home as specifically mentioned) or recreational vehicle on an individual lot, except that unoccupied recreational vehicles may be stored provided they are not located within a vision clearance area.

(2) Civic Use Types. Not specifically mentioned.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 206, 1994; Ord. 93 § 2.3.4, 1987].

17.45.050 Property development requirements.
The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-3 zone except as specifically regulated in this section.

(1) Lot Standards.

(a) Minimum Area. Minimum lot areas for each building containing multiple-family dwelling units are listed in Table 17.45.050.

(b) Minimum Width. Each lot shall have a minimum width of 40 feet.

Table 17.45.050
– Minimum Lot Area by Number of Units within a Multiple-Family Dwelling

No. of Units	Total Area	Building Area	Yard Area	Percent of Area Covered by Building
1	5,000	2,200	2,800	44.0
2	7,000	3,080	3,920	44.0
3	6,200	2,790	3,410	45.0
4	7,400	3,404	3,996	46.0
5	8,600	4,042	4,558	47.0
6	9,800	4,704	4,896	48.0

7	11,000	5,500	5,500	50.0
8	12,200	6,100	6,100	50.0
9	13,400	6,700	6,700	50.0
10	14,600	7,300	7,300	50.0
11	15,800	7,900	7,900	50.0
12	17,000	8,500	8,500	50.0
13	18,200	9,100	9,100	50.0
14	19,400	9,700	9,700	50.0
15+	Add 1,200 sq. ft. for every unit over 14			

(2) Building Coverage. A maximum of 44 percent of the lot area for single-family and duplex dwelling units may be covered. The maximum lot coverage for multifamily dwellings is found in the sliding scale in Table 17.45.050, under percent of area covered by building.

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, except as permitted under conditional uses.

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes. [Ord. 309, 2001; Ord. 93 § 2.3.5, 1987].

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Chapter 17.50
RESIDENTIAL/PROFESSIONAL DISTRICT (R-4P)

Sections:

17.50.010 Intent.
17.50.020 Permitted uses.
17.50.030 Conditional uses.
17.50.040 Uses expressly prohibited.
17.50.050 Property development requirements.

17.50.010 Intent.
The R-4P district is included in the zoning regulations to achieve the following city objectives:

(1) To establish and reserve appropriately located areas for desirable mixtures of professional and administrative business offices and higher density multifamily residential uses.

(2) To promote the development of professional and administrative offices in the vicinity of commercial zones and multifamily residential zones, along major thoroughfares, or in other suitable portions of the city.

(3) To preserve the characteristics of the residential environment insofar as possible while permitting selected nonresidential uses.

(4) To preserve adequate usable open space for the benefit of the occupants within the area and to ensure appropriate development of sites occupied by other permitted uses in a manner compatible to and harmonious with residential uses in the area.

(5) To establish a zone which permits a mixture of uses, acts as a buffer and produces a gradual change between commercial and residential zones. [Ord. 93 § 2.4.1, 1987].

17.50.020 Permitted uses.
The following uses are permitted in an R-4P zoning district:

(1) Residential Use Types.

(a) Accessory building.

(b) Cluster development (see Chapter 17.255 CBMC).

(c) Group residential.

(d) Home occupation (see Chapter 17.260 CBMC).

(e) Multiple-family dwelling.

(f) Single-family dwelling, including manufactured homes which are subject to special siting standards, in combination with a permitted nonresidential use combined in a single building.

(g) Zero lot line development (see Chapter 17.150 CBMC).

(h) Legally established single-family and duplex residential use types, pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

(2) Civic Use Types.

(a) Administrative service.

(3) Commercial Use Types.

(a) Business/property maintenance service.

(b) Business support service.

(c) Child care facility (fewer than 13).

(d) Financial, insurance, and real estate service.

(e) Medical service.

(f) Personal service, general.

(g) Planned unit development (see Chapter 17.270 CBMC).

(h) Professional and administrative service.

(i) Repair service, consumer, except gasoline engine repair.

(j) Tourist habitation – Bed and breakfast. [Ord. 440 § 3 (Exh. A(C)), 2010; Ord. 206, 1994; Ord. 148 § 10, 1989; Ord. 93 § 2.4.2, 1987].

17.50.030 Conditional uses.

The following uses are permitted in the R-4P zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

(1) Residential Use Types.

(a) Accessory apartment (see Chapter 17.250 CBMC).

(b) Duplex dwelling unit.

(c) Group residential care facility.

(d) Multiple-family dwelling greater than 35 feet in height.

(e) Single-family dwelling, including manufactured homes which are subject to special siting standards.

(2) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(b) Community recreation.

(c) Educational service.

(d) Library service and cultural exhibit.

(e) Lodge, club, fraternal, or civic assembly.

(f) Parking service.

(g) Public safety service.

(h) Religious assembly.

(i) Utility and service.

(3) Commercial Use Types.

(a) Animal sales and service – Grooming.

(b) Automotive and equipment – Parking.

(c) Child care facility.

(d) Convenience sales and service.

(e) Dining establishment – Sit-down within an existing dwelling.

(f) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC).

(g) Participant sports and recreation – Indoor, in an existing building. [Ord. 309, 2001; Ord. 93 § 2.4.3, 1987].

17.50.040 Uses expressly prohibited.

The following uses are expressly prohibited in the R-4P zoning district:

(1) Residential Use Types.

(a) Certified factory-built home (except manufactured homes as specifically mentioned) or recreational vehicle on an individual lot, except that unoccupied recreational vehicles may be stored provided they are not located within a vision clearance area.

(2) Civic Use Types.

(a) Hospital.

(b) Postal service.

(c) Refuse service.

(3) Commercial Use Types. Not specifically mentioned.

(4) Agricultural use types.

(5) Industrial use types. [Ord. 206, 1994; Ord. 93 § 2.4.4, 1987].

17.50.050 Property development requirements.
The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-4P zone except as specifically regulated in this section.

(1) Lot Standards.

(a) Minimum Area.

(i) Five thousand square feet for single-family dwellings.

(ii) Seven thousand square feet for duplex dwellings.

(iii) Six thousand two hundred square feet for three attached dwelling units and not more than one additional dwelling unit per 1,200 square feet thereafter.

(iv) All other lots shall be a minimum of 5,000 square feet.

(b) Minimum Width. Each lot shall have a minimum of 40 feet.

(2) Building Coverage. Maximum lot coverage shall not exceed 50 percent of the total lot area.

(3) Building Height. No building or structure shall have a height greater than three stories, or not to exceed 35 feet, except as permitted under CBMC 17.50.030, Conditional uses.

(4) Yards.

(a) Residential uses shall conform to the requirements of Chapter 17.150 CBMC.

(b) Nonresidential uses, except a bus shelter, shall provide yards not less than:

(i) Five feet from the interior side and rear lot lines.

(ii) Ten 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.

(5) Landscaping and Screening.

(a) Heating and air equipment for nonresidential uses shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas for nonresidential uses must be enclosed and screened from public view. [Ord. 309, 2001; Ord. 93 § 2.4.5, 1987].

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Chapter 17.70
CENTRAL COMMERCIAL DISTRICT (C-1)

Sections:

17.70.010 Intent.
17.70.020 Permitted uses.
17.70.030 Conditional uses.
17.70.040 Expressly prohibited.
17.70.050 Property development requirements.

17.70.010 Intent.
The C-1 district is included in the zoning regulations to achieve the following city objectives:

(1) A planned, unified center for the general retailing, merchandising and servicing of goods and products.

(2) To provide a full range of professional, financial and governmental services and activities for the Coos Bay area and south coast region of Oregon.

(3) Preserve the significance and character of the city's major commercial district and its value to the city in terms of its concentration of employment and density of development.

(4) Prohibit uses which are undesirable due to such things as noise, outside storage of material, or impediment to the flow of traffic. [Ord. 93 § 2.8.1, 1987].

17.70.020 Permitted uses.
The following uses shall be permitted outright in the C-1 zoning district:

(1) Residential Use Types.

(a) Family and group residential above the first floor or story.

(b) Legally established residential use types pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

(2) Civic Use Types.

(a) Administrative service.

(b) Library service and cultural exhibit.

(c) Lodge, club, fraternal, or civic assembly – Small.

(d) Postal service.

(e) Public safety service.

(f) Religious assembly – Small.

(g) Transportation service, excluding fleet storage of vehicles.

(3) Commercial Use Types.

(a) Animal sales and service.

(i) Grooming.

(ii) Pet shop.

(b) Automotive and equipment – Repairs, light equipment (all storage of materials and equipment, and operations, except minor repairs, within an enclosed building).

(c) Building/property maintenance service.

(d) Business equipment sales and service.

(e) Business support service.

(f) Child care facility.

(g) Child care facility (fewer than 13).

(h) Communications service.

(i) Dining establishment – Fast order food and sit-down.

(j) Drinking establishment.

(k) Financial, insurance, and real estate service.

(l) Food and beverage retail sales.

(m) Fuel sales.

(n) Funeral and interment service – Undertaking.

(o) Laundry service.

(p) Medical service.

(q) Participant sports and recreation – Indoor.

(r) Personal service, general.

(s) Professional and administrative service.

(t) Repair service, consumer.

(u) Retail sales, general, except adult book store.

(v) Spectator Sports and Entertainment. Indoor, except adult movies and adult movie arcade.

(w) Tourist habitation – Lodging and bed and breakfast.

(4) Industrial Use Types.

(a) Limited manufacturing (see Chapter 17.280 CBMC). [Ord. 440 § 3 (Exh. A (D)), 2010; Ord. 224, 1996; Ord. 148 §§ 15, 18, 1989; Ord. 93 § 2.8.2, 1987].

17.70.030 Conditional uses.
The following uses are permitted in the C-1 zoning district if authorized in accordance with the provisions of Chapter 17.355 CBMC:

(1) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(b) Educational service.

(c) Lodge, club, fraternal, or civic assembly – Large.

(d) Parking service.

(e) Religious assembly – Large.

(f) Utility and service.

(2) Commercial Use Types.

(a) Automotive and equipment – Cleaning and parking.

(3) Industrial Use Types.

(a) Manufacturing (see Chapter 17.280 CBMC). [Ord. 309, 2001; Ord. 93 § 2.8.3, 1987].

17.70.040 Expressly prohibited.
The following uses are expressly prohibited in the C-1 zoning district:

(1) Residential Use Types. Except as specifically mentioned.

(2) Civic Use Types.

(a) Community recreation.

(b) Hospital.

(3) Commercial Use Types.

(a) Agricultural sales.

(b) Agricultural service – Auction.

(c) Animal sales and service.

(i) Kennel.

(ii) Veterinary, large animal.

(iii) Veterinary, small animal.

(d) Automotive and equipment.

(i) Fleet storage.

(ii) Repairs, heavy equipment.

(iii) Sales/rental, heavy equipment.

(iv) Sales/rental, light equipment.

(v) Storage, nonoperating vehicles.

(e) Construction sales and service.

(f) Funeral and interment service – Cemetery, cremating/interring.

(g) Participant sports and recreation – Outdoor.

(h) Scrap operations.

(i) Spectator sports and entertainment – Outdoor.

(j) Tourist habitation – Campground.

(k) Wholesale, storage, and distribution.

(4) Agricultural Use Types.

(a) Animal husbandry.

(b) Animal waste processing.

(c) Food packing and processing.

(d) Horticulture.

(5) Industrial Use Types.

(a) Mining and processing. [Ord. 224, 1996; Ord. 93 § 2.8.4, 1987].

17.70.050 Property development requirements.
The following property development requirements shall apply to all land and structures in the C-1 district in addition to applicable standards of Division III of this title:

(1) Lot Standards. No requirements.

(2) Building Coverage. No requirements.

(3) Building Height. No restrictions other than those imposed by the building code.

(4) Yards. No requirements other than those imposed by the building code.

(5) Landscaping and Screening.

(a) All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas must be enclosed and screened from public view. [Ord. 93 § 2.8.5, 1987].

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Chapter 17.75
GENERAL COMMERCIAL DISTRICT (C-2)

Sections:

17.75.010 Intent.
17.75.020 Permitted uses.
17.75.030 Conditional uses.
17.75.040 Uses expressly prohibited.
17.75.050 Property development requirements.

17.75.010 Intent.
The C-2 district is included in the zoning regulations to achieve the following city objectives:

(1) A general commercial district providing a broad range of commercial and other services that are easily accessible to all residential areas, will promote the economic stability and future growth of the city, and will permit limited residential and industrial uses.

(2) A district allowing uses and services not permitted in the central commercial zoning district. [Ord. 93 § 2.9.1, 1987].

17.75.020 Permitted uses.
The following uses are permitted in the C-2 zoning district:

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

(2) Residential Use Types.

(a) Combination of permitted commercial uses with residential uses on the first floor; provided, that the residential use does not occupy more than 30 percent of the building coverage. This use is not permitted in the design area designated by Chapter 17.240 CBMC.

(b) Manufactured home when used as a dwelling for a caretaker or watchman's quarters for a participant sports and recreational use type, provided it meets all the property development requirements in CBMC 17.120.050(4) and remains accessory to a commercial use.

(c) Repealed by Ord. 440.

(3) Civic Use Types.

(a) Community recreation.

(4) Commercial Use Types.

(a) Agricultural sales.

(b) Agricultural service.

(c) Automotive and equipment.

(i) Fleet storage.

(ii) Repairs, heavy equipment (all storage of materials and equipment, and operations, except minor repairs, within an enclosed building).

(iii) Sales/rental, heavy.

(iv) Sales/rental, light.

(v) Storage, nonoperating vehicles.

(d) Construction sales and service – Light.

(e) Participant sports and recreation – Outdoor.

(f) Wholesale, storage, and distribution – Mini-warehouse.

(5) Agricultural Use Types.

(a) Horticulture. [Ord. 440 § 3 (Exh. A(E)), 2010; Ord. 302, 2001; Ord. 167, 1991; Ord. 120, 1988; Ord. 93 § 2.9.2, 1987].

17.75.030 Conditional uses.
The following uses are permitted in the C-2 zoning district if authorized in accordance with the provisions of Chapter 17.355 CBMC:

(1) Civic Use Types.

(a) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).

(2) Commercial Use Types.

(a) Animal sales and service – Auction, kennel, veterinary (large animal), and veterinary (small animal).

(b) Aquaculture.

(c) Construction sales and service – Heavy.

(d) Dryland moorage.

(e) Marina.

(f) Scrap operation – Light (within an enclosed building).

(g) Spectator sports and entertainment – Outdoor.

(h) Tourist habitation – Campground (see Chapter 17.275 CBMC).

(i) Wholesale, storage, and distribution – Light.

(3) Industrial Use Types.

(a) Manufacturing (see Chapter 17.280 CBMC). [Ord. 309, 2001; Ord. 93 § 2.9.3, 1987].

17.75.040 Uses expressly prohibited.
The following uses are expressly prohibited in the C-2 zoning district:

(1) Residential Use Types. Except as specifically mentioned.

(2) Civic Use Types.

(a) Hospital.

(3) Commercial Use Types.

(a) Animal husbandry.

(b) Animal waste processing.

(c) Food packing and processing.

(d) Funeral and interment service – Cemetery, cremating/interring.

(e) Retail sales, general, and adult book store.

(f) Scrap operations – Heavy.

(4) Agricultural Use Types.

(a) Animal husbandry and animal waste processing.

(b) Food packing and processing.

(5) Industrial Use Types.

(a) Mining and processing. [Ord. 93 § 2.9.4, 1987].

17.75.050 Property development requirements.
The following property development requirements shall apply to all land and structures in the C-2 district in addition to applicable standards of Division III of this title:

(1) Lot Standards. No requirements.

(2) Building Coverage. No requirements.

(3) Building Height. No restrictions other than those imposed by the building code.

(4) Yards. No requirements other than those imposed by the building code.

(5) Landscaping and Screening.

(a) All parking areas shall be landscaped in conformance with Chapter 17.200 CBMC, Off-Street Parking and Loading.

(b) All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(c) All storage and trash areas must be enclosed and screened from public view.

(6) Architectural Design Review. Architectural design review as set forth in Chapter 17.390 CBMC may be required for development in the design area defined by Chapter 17.240 CBMC. Design review approval shall be based on compliance with Chapter 17.240 CBMC. [Ord. 302, 2001; Ord. 93 § 2.9.5, 1987].

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