CITY OF COOS BAY
Community Development Department
500 Central Avenue, Coos Bay, Oregon 97420
Phone 541-269-8918 Fax 541-269-8916

Permit No. **187- 25 - 000138-PLNG**

Date Received: **09/23/2025**

LAND USE/PLANNING APPLICATION

[1]**Type of Review** (Please check all that apply):

**Pre-application review may be required*

- ☐ Adjustment Review *(Type II, III)**
- ☐ Annexation *(Type IV)**
- ☐ Appeal and Review *(Type III)*
- ☐ Architectural Design Review *(Type II, III)**
- ☐ Accessory Dwelling Unit-Historic (*Type I)*
- ☐ Conditional Use (Type *II, III)**
- ☐ Cultural Resources *(Type II, III)**
- ☐ Cottage Cluster *(Type II, III)**
- ☐ General Review _____ (Identify Type: See Table 173.130.030)
- ☐ Estuarine Use/Activities *(Type I)*
- ☐ Comp. Plan Amendment-Map/Text *(Type IV)**
- ■ Dev. Code Amendment-Map/Text *(Type IV)**
- ☐ Home Occupation *(Type I, II)*
- ☐ Partition *(Type II)*
- ☐ Property Line Adjustment *(Type I, II)*
- ☐ Planned Unit Development (*Type II, III)**
- ☐ Modification to Approved Permit (Type II)
- ☐ Floodplain Development *(Type I)*
- ☐ Subdivision *(Type II, III)**
- ☐ Temporary Use (*Type I, II)*
- ☐ Tourist Habitation-Home Stay *(Type II)*
- ☐ Tourist Habitation-Vacation Rental (*Type II)*
- ☐ Variance *(Type I, II)*
- ☐ Zone Change *(Type III, IV)**
- ☐ Code Interpretation *(Type I)*
- ☐ Legal Lot Determination *(Type I)*
- ☐ Other: _____

Coos Bay city-limits
Site Location/Address — Assessor's Map No. & Tax Lot #

Zoning — Total Land Area

City of Coos Bay — 500 Central Avenue, Coos Bay, OR 97420
Applicant/Owner Name — Address

(541) 269-8918
Phone — Email

Chelsea Schnabel, Community Development Director — 500 Central Avenue, Coos Bay, OR 97420
Applicant's Representative Name — Address

(541) 269-1181 x3531 — cschnabel@coosbayor.gov
Phone — Email

Project Description: Describe the project in detail, including what is being proposed, its size, hours of operation, any proposed phasing, timetable for improvements etc. Attach separate sheet with additional details as needed.

Amend the text of CBDC Title 17 for clarity, ease, and consistency.
See Attached:
-Draft Proposed Text Amendments
-Draft Recommended Findings

Your submittal must also include:

☐ Nonrefundable application fee. Applications subject to a pre-application conference may be eligible to apply the nonrefundable pre-application conference fee to a Type III or IV application. **Waived**

[1]***Pre-Application and Appeal applications require a different application form, inquire of staff***

☐ Evidence of ownership or written statement from the owner that you are authorized to represent him/her. When there is more than one owner, all owners must authorize the application. **N/A**

☐ Most recent conveyance deed showing current ownership and legal description (trust deeds are not acceptable)**N/A**

☐ A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required by the director to address issues, comments, and concerns in the summary. **N/A**

☐ Detailed written statement of findings (description/narrative). With all land use applications, the "burden of proof" is on the applicant. A written statement of findings **must** be provided with your application that clearly describes the nature of the request with an explanation as to how the proposal complies, or can comply, with **all** applicable Chapters of the Coos Bay Development Code (CBDC). If a section/item in an applicable Chapter is not applicable to your request, provide that statement and include an explanation as to why it is not applicable to your proposal. You must address each of the criteria on a point-by-point basis in order for your application to be deemed complete. A supplementary development/use application may be available for this purpose. The application should also evidence how the proposal complies, or can comply, with each applicable section of the Coos Bay Municipal Code (CBMC) and other city and state policies and regulations applicable to the proposal. **If you need help with findings please contact a land use attorney or consultant.**

☐ A detailed project site plan identifying existing conditions and the proposed development and/or land use. The site plan shall include all relevant information from Table 17.130.040(2) – Site Plan Requirements. **N/A**

☐ Supplementary information required by virtue of the application type, including but not limited to (if required) storm drainage report, traffic impact study/anyalisis or other studies/reports related to the project. **N/A**

Any additional information including but not limited to Table 17.130.040(3) – Additional Contents required by the director to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable CBCP, this title, and other city and state policies, regulations, and approval criteria applicable to the application.

Additional application contents associated with a specific application required for the proposed development and/or land use. See Table 17.130.040(4) for specific permit/review applications and applicable code sections with additional application contents and process requirements.

The processing of your application does not begin until your application is deemed complete. An incomplete application will postpone the decision, or may result in denial of the request.

Land use approval is required prior to authorization of any other required permits/licenses.

I am the owner, applicant, or representative of the property/site and am authorized to complete this land use/planning application. I completed this land use/planning application; its contents are true and correct. I understand: 1) City application acceptance does not infer a complete submittal; 2) the information herewith submitted is true and correct; 3) the application processing and fee payment does not obligate City authorization and City authorization does not give authority to violate or cancel the provisions of any other applicable law. I will pay the City land use/planning application fees and additional expenses incurred by the City for professional services should such services, at City discretion, be required. I understand that the application fees submitted are non-refundable.

Where there are multiple property owners, all owners must authorize/sign the permit application.

SIGNATURE of Owner(s)	Print Name	DATE
Chelsea Schnabel	Chelsea Schnabel	**09/23/2025**
SIGNATURE of Applicant/Representative	Print Name	DATE

DRAFT Proposed
Text Amendments

DRAFT Proposed Text Amendments

Pre-Section: This proposal incorporates all text amendments under Land Use Record #187-25-000115-PLNG, adopted by Ordinance _____.

Section A. The text of Chapter 17.130 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.130.005 Purpose.
The purpose of ~~the Coos Bay development code (CBDC) procedures~~this chapter is to specify transparent public processes, to assess and ensure compatibility between new, existing, and future uses and developments ~~developments, existing uses, and future developments~~ consistent with the ~~Coos Bay~~ comprehensive plan ~~(CBCP)~~ goals and objectives. Land use ~~and development approvals are~~review and approval is required to ~~promote~~ ensure land uses ~~and development~~that are harmonious with their surroundings, maintain a high quality of life for area residents, and to ensure new and expanded developments are planned and designed ~~to comply with the standards and criteria for development and land use in the Coos Bay Municipal Code~~consistent with the standards set forth in this title.

17.130.010 Applicability.
~~Land use project review and approval is required~~When land use review and approval is required pursuant to this title, the city will not issue any other permits for a project prior to issuance of the required land use approval ~~prior to issuance of building permits as required in this chapter~~. This does not preclude concurrent review of all applications needed to satisfy city code requirements.

17.130.020 Application types and classification.
(1) Applicability. Applications for planning general review and land use review are subject to procedures in this chapter unless otherwise expressly provided in ~~other chapters of the CBDC~~this title.

(2) Concurrent Application. ~~If the applicant requests more than one type of review for a given development, an applicant may submit all applications required for the development at one time, unless otherwise prohibited from doing so by law. Concurrent applications for a given development are subject to the highest type procedure that applies to any of the applications~~Multiple land use reviews may be included in a single land use application, in which case the highest level of review required shall determine the applicable procedure to be followed.

(3) Summary of Application Procedure Types and Processes. Application review of development proposals ~~shall~~ will follow one of ~~four~~ five types of procedures based on level of review, performance standards, or application type. ~~Procedures for specific land use applications are identified in CBDC Table 17.130.020(3) – Summary of Applications and Procedures. Procedures based on performance standards are listed in subsection (4) of this section. If the appropriate procedure is not clearly defined, the director shall decide which of the four procedures will apply based on the standards below for each type of procedure. At the discretion of the director, the land use process may be elevated from a Type I to a Type II, and a Type II to a Type III process based on the proposed development and reasonable compatibility with the surrounding properties.~~

(a) General Review. Review of an application for use or development that does not require a land use application. Refer to Table 17.130.020(3)(a).

Table 17.130.020(3)(a) – General Review

~~(a)~~	~~Operation, maintenance, and repair of existing transportation facilities identified in the transportation system plan~~
~~(b)~~	~~Dedication of right-of-way, authorization of construction, and the construction of transportation facilities and improvements, where the improvements are planned improvements identified in the transportation system plan or are otherwise consistent with clear and objective dimensional standards~~
(a)	Legal lot determinations as part of a building permit or other development review
(~~c~~b)	Changes in transit services
(~~d~~c)	Modification to the interior of an existing structure that does not change the use or the intensity of a use

(ed)	~~Physical expansion of existing structure by 10 percent or less, occurring in a single expansion over a two-year time period~~Expansion of an existing single-unit or duplex residential structure
(fc)	~~Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair~~Parking lot repair, resurfacing, and restriping
(gf)	~~Fences adhering to standards required in CBDC 17.335.020 and Chapter 8.10 CBMC.~~Floodplain development
(hg)	Change in occupancy ~~from one allowed land use to another allowed land use if a permitted use in the zoning district~~
(ih)	Single-unit dwelling (including certified factory-built home on its own lot)
(ji)	Duplex on a single lot
(kj)	Accessory structures that do not require a building permit
(lk)	Accessory dwelling units not subject to CBDC 17.312.040(2)
(ml)	Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires a land use review
(nm)	Land use compatibility statement, zone verification letters or similar information
(on)	Signs ~~consistent with Chapter 17.333 CBDC~~
(po)	Traffic impact analysis ~~subject to CBMC Title 18~~

(b) Land Use Review. Review of ~~development proposals~~a land use application ~~shall follow one of four types of procedures~~as follows: ~~based on performance standards or application type.~~

(~~a~~i) ~~A~~ Type I Land Use Review. This ~~process~~ procedure involves nondiscretionary standards or standards that are clear and objective. ~~The Type I process~~It does not involve public notice or a public hearing prior to the decision. Refer to CBDC 17.130.080 for Type I procedure.

(~~b~~ii) ~~A~~ Type II Land Use Review. ~~process~~ This procedure is based on a review of criteria that requires a limited amount of discretion. ~~The Type II process~~It includes public notice of the application and an opportunity for citizens to provide comment~~s~~ prior to the decision. The process does not include a public hearing unless the decision is appealed. Notice of the decision ~~is provided to allow the applicant or an adversely affected person to~~and the opportunity to appeal the decision to a higher local review authority is provided. Refer to CBDC 17.130.090 for Type II procedure.

(~~c~~iii) ~~A~~ Type III Land Use Review. This procedure ~~process is~~ includes a decision-making process in which the planning commission or a hearings officer makes a land use decision. ~~The Type III process~~It includes public notice and a public hearing, as well as the opportunity ~~for a local appeal to be filed by the applicant, an individual who testified orally or in writing during the initial public hearing~~to appeal the decision to a higher local review authority. Refer to CBDC 17.130.100 for Type III procedure.

(~~d~~iv) ~~A~~ Type IV Land Use Review. This ~~process~~ procedure is a decision-making process in which the planning commission reviews the application and forwards a recommendation to the city council, which ~~holds a public hearing and~~ makes a final land use decision. ~~The Type IV process~~It includes public notice and public hearings before both the planning commission and the city council prior to ~~the~~ final decision. The city council decision is the final local decision and may be appealed to the Land Use Board of Appeals (LUBA). Refer to CBDC 17.130.110 for Type IV procedure.

(c) The applicable procedure type and process is determined by considering the following:

(i) Review of Table 17.130.030(3)(a) for general reviews.

(ii) Review of Table 17.130.020(3)(b) and this title for specific land use applications.

(iii) Review of subsection (4) of this section for performance-based standards.

(iv~~i~~i) If the appropriate procedure is not clearly defined, the applicable procedure shall be determined by the director through a Type I land use review based on relative performance-based standards.

(~~i~~v) A land use application may be elevated to a higher level of review to ensure efficient processing and effective review.

Table 17.130.020(3)(b) – ~~Summary of Applications and Procedures~~Land Use Applications

D = Director, HO = Hearings Officer, Flood Administrator = FA, DAT = Design Assistance Team, PC = Planning Commission, CC = City Council, LUBA = Land Use Board of Appeals				
Application	**Type**	**Applicable Regulations**	**Review Authority**	**Appeal Authority**
Accessory Dwelling Unit Located in a Historic District, on a lot with a building listed on the National Register of Historic Places or as a Cultural Resource, or a property that receives special assessment under Oregon law.	I	Ch. 17.312 CBDC, Accessory Dwelling Units	D	PC
Adjustment Review	~~II or III~~I or II	Ch. 17.372 CBDC, Adjustment Review	D~~, PC or HO~~	PC or CC
Annexation	IV	Ch. 17.345 CBDC, Annexation	CC	LUBA
~~Architectural Review~~	~~II or III~~	~~Ch. 17.240 CBDC, Waterfront Heritage District~~ ~~Ch. 17.250 CBDC, Hollering Place District~~ ~~Ch. 17.316 CBDC, Empire Waterfront Settlement Design Review~~	~~DAT (advisory), D, HO or PC~~	~~CC~~
Code Interpretation	I	CBDC 17.120.040, Interpretations	D~~, HO or PC~~	PC or CC
Conditional Use Permit	II or III	Ch. 17.347 CBDC, Conditional Uses	D, PC or HO	PC or CC
~~Conditional Use Permit, Modification~~	~~II~~	~~Ch. 17.347 CBDC, Conditional Uses~~	~~D~~	~~PC~~
Comprehensive Plan ~~and Development Code~~ Map and Text Amendments	IV	Ch. 17.360 CBDC, Plan Amendments and Zone Changes	PC (advisory), CC	LUBA
Cottage Cluster Housing	II or III	Ch. 17.365 CBDC, Cottage Cluster Housing	D, PC or HO	PC or CC
Cultural/Historic Resource Designation, Development, Alteration, or Demolition	II or III	Ch. 17.349 CBDC, Cultural Resources Ch. 15.45 Historic Preservation	DAT (advisory), D, PC	CC
Estuarine and Coastal Shoreland Uses and Activities Permit	I	Ch. 17.352 CBDC, Estuarine and Coastal Shoreland Uses and Activities	D	PC
~~Flood Development Permit and Flood Development Variance~~	~~I~~	~~Ch. 17.318 CBDC, Flood Damage Prevention~~	~~FA~~	
~~Cultural Resource Designation, Development, Alteration, or Demolition~~	~~II or III~~	~~Ch. 17.349 CBDC, Cultural Resources~~	~~DAT (advisory), D, PC~~	~~CC~~
Home Occupation Permit	I or II	Ch. 17.320 CBDC, Home Occupation	D	PC
Legal Lot Determination without other ~~d~~Development ~~r~~Review	I	Ch. 17.33~~5~~5 CBDC, Legal ~~l~~Lot D~~d~~eterminations	D	PC
Modification	I or II	CBDC 17.130.145, Modification to permits	D	PC

Partition	II	Ch. 17.359 CBDC, Partitions	D	PC
~~Permitted Residential Use, General Review~~	~~N/A~~	~~CBDC 17.130.030, General review~~	~~N/A~~	~~N/A~~
~~Permitted Residential Use~~	~~I~~	~~Section 2. Zoning~~	~~D~~	~~PC~~
Property Line Adjustment~~, including Lot Consolidation~~	I	Ch. 17.363 CBDC, Replats and Property Line Adjustments	D	PC
Replat	II or III	Ch. 17.363 CBDC, Replats and Property Line Adjustments ~~,~~CBDC 17.359, Partitions ~~,~~CBDC 17.367, Subdivisions	D, PC or HO	PC or CC
Single Room Occupancy	I	Section 2. Zoning Section 3. Land Development	D	PC
Subdivision	I, II, or III	Ch. 17.367 CBDC, Subdivisions ~~, CBDC 17.130.020(4)(b) and (4)(c), procedures~~	D, PC or HO	PC or CC
Temporary Use Permit	I or II	Ch. 17.337 CBDC, Temporary Use Permit	D or PC	PC or CC
Vacation Rentals and Homestays	II	Ch. 17.370 CBDC, Vacation Rentals and Homestays	D	PC
Variance	I or II	Ch. 17.340, Variances	D	D or PC
Zoning Code Text Amendment	IV	Ch. 17.360 CBDC, Plan Amendments and Zone Changes	PC (advisory), CC	~~CC~~LUBA
~~Zoning~~ Zone District Map ~~Change~~Amendment	III* or IV *quasi-judicial map amendments only	Ch. 17.360 CBDC, Plan Amendments and Zone Changes	PC (advisory), CC	CC or LUBA

(4) Procedure Types Based on Development Performance Standards.

(a) Type I land use reviews include:

~~(i) New construction or expansions of existing development of any of the following:~~

(i~~A~~) ~~Commercial, industrial, institutional, or multi-unit dwelling~~Expansion of existing development that adds less than 20 percent floor area.

(~~B~~ii) New nonresidential development up to 5,000 square feet.

(iii~~C~~) Residential ~~proposal~~development, including multi-unit dwellings, subdivisions, and certified factory-built home parks~~,~~ on up to two acres.

(iv~~D~~) Parking lot not directly related to a primary use on the site with 20 or fewer new parking spaces.

~~(ii) A modification to an originally approved permit for land development or land use that includes minor changes determined by the director not affecting the use, originally approved design, or intent of the reviewing body of the originally approved permit for land development or land use.~~

~~(iii) Estuary and shoreland uses and activities subject to the requirements of Chapter 17.352 CBDC.~~

~~(iv) A property line adjustment and/or lot consolidation consistent with CBDC 17.363.020.~~

(v) Other similar development or use~~s~~ authorized by and not prohibited in the underlying ~~zoning district~~zone district that the director determines does not result in an appreciable increase in land use

activity, does not ~~and intensity nor~~ create a significant adverse impact on adjacent properties, and is compatible with surrounding land uses.

(vi) Temporary use permit for a ~~temporary use~~period of 60 days or less consistent with Chapter 17.337 CBDC.

(vii) Variance of up to 10 percent of the numerical standards for setbacks, buffers, building heights, landscaping, lot coverage, lot dimensions, and lot area.

~~(vii) Flood development permit or variance to flood development permit consistent with Chapter 17.318 CBDC.~~

~~(viii) Home occupation permit consistent with CBDC 17.320.010(2).~~

(b) Type II land use reviews include:

~~(i) New construction or expansion of existing development of any of the following:~~

(~~A~~i) ~~Commercial, industrial, institutional, or multi-unit dwelling~~Expansion of existing development that adds 20 percent or more to existing floor area.

(~~B~~ii) New ~~Nonresidential~~ nonresidential development of 5,001 to 20,000 square feet.

(~~C~~iii) Residential ~~proposals~~development, including multi-unit dwellings, subdivisions, and certified factory-built home parks~~,~~ on two to four acres.

(~~D~~iv) Parking lots not directly related to a primary use on the site with 21 to 50 spaces.

~~(ii) Vacation rentals as defined in Chapter 17.150 CBDC.~~

~~(iii) Single room occupancies.~~

~~(iv) A technically complete application for a preliminary partition identified in CBDC 17.359.010.~~

(v) Other similar development or use ~~the director determines appropriate for a Type II review that is~~ authorized by and not prohibited in the underlying ~~zoning~~ zone district ~~and~~ that the director determines does not result in an appreciable increase in land use activity or intensity, does not create significant adverse impact ~~to the vicinity of the proposed use or development~~on adjacent properties, and is compatible with surrounding land uses.

~~(vi) Adjustment review, as specified in CBDC 17.372.030(1)(a) for development noted in subsections (4)(b)(i), (ii), (iii) and (v) of this section.~~

~~(vii) Conditional use permits associated with projects of scope and size noted in subsections (4)(b)(i), (ii), (iii) and (v) of this section.~~

~~(viii) Cultural resources permit associated with projects of scope and size noted in subsections (4)(b)(i), (ii) and (v) of this section.~~

~~(ix) Architectural review associated with projects of scope and size noted in subsections (4)(b)(i), (ii) and (vi) of this section.~~

~~(x) Conditional use permit modification consistent with Chapter 17.347 CBDC.~~

(~~x~~ivi) Temporary use permit for a ~~temporary use~~period of more than 60 days consistent with Chapter 17.337 CBDC.

(vii) Variance greater than 10 percent of the numerical standard.

~~(xii) Home occupation permit consistent with CBDC 17.320.010(2).~~

~~(xiii) Partitions consistent with Chapter 17.359 CBDC.~~

(c) Type III land use reviews include:

(i) New ~~N~~nonresidential development greater than 20,001 square feet.

(ii) Residential ~~proposals~~development, including multi-unit dwellings, subdivisions, and certified factory-built home parks~~,~~ on four or more acres.

(iii) Parking lots not directly related to a primary use on the site with 51 or more parking spaces.

(iv) Other similar development or use ~~the director determines appropriate for a Type III review that is~~ authorized by and not prohibited in the underlying ~~zoning~~ zone district ~~and~~ that the director determines does not result in an appreciable increase in land use activity or intensity, does not create significant adverse impact ~~to the vicinity of the proposed use or development~~on adjacent properties, and is compatible with surrounding land uses.

(v) Quasi-judicial (site specific) zoning map amendments.

~~(v) Adjustment review as specified in CBDC 17.372.030(1)(b) for development noted in subsections (4)(c)(i), (ii), (iii) and (iv) of this section.~~

~~(vi) Conditional use permit associated with projects of scope and size noted in subsections (4)(c)(i), (ii), (iii), and (iv) of this section.~~

~~(vii) Cultural resources permit associated with projects of scope and size noted in subsections (4)(c)(i), (ii), (iii), and (iv) of this section.~~

~~(viii) Architectural review associated with projects of scope and size noted in subsections (4)(c)(i), (ii), (iii) and (iv) of this section.~~

(d) Type IV land use reviews include ~~reviews by the planning commission, who makes a recommendation to city council. City council makes the final decision and on a legislative proposal, the city council makes a final decision through the enactment of an ordinance. Type IV reviews include but are not limited to creation of and/or amendments to city land use policies and regulations such as but not limited to~~:

(i) Zoning code text and large-scale zoning map amendments.

(ii) Comprehensive plan map and text amendments, including the estuary plan and city transportation plan.

~~(iii) This title, development code map and text amendments.~~

(~~iv~~iii) Urban growth boundary changes.

(iv) Annexations.

~~(5) Undefined Review. If this title is silent as to the type of review procedure required, the director shall, using a Type I review process, determine the appropriate level of review.~~

~~(6) At the discretion of the director, uses determined similar to uses specified in this title may be permitted subject to the provisions of this chapter.~~

~~(7) Highest Review Level. If a review is subject to multiple permits submitted concurrently, the highest level of review for any one of the permits shall be required for all permits.~~

~~**17.130.030 General review.**~~

~~The development and land uses noted in Table 17.130.030 only require a general review and do not require a land use application if the development and/or land use is allowed in the zoning district where proposed. Proposals are subject to applicable standards and conditions of the development code and other provisions of the applicable Municipal Code requirements and state law.~~

~~**Table 17.130.030 – General Review**~~

~~(a)~~	~~Operation, maintenance, and repair of existing transportation facilities identified in the transportation system plan~~
~~(b)~~	~~Dedication of right-of-way, authorization of construction, and the construction of transportation facilities and improvements, where the improvements are planned improvements identified in the transportation system plan or are otherwise consistent with clear and objective dimensional standards~~
~~(c)~~	~~Changes in transit services~~
~~(d)~~	~~Modification to the interior of an existing structure that does not change the use or the intensity of a use~~
~~(e)~~	~~Physical expansion of existing structure by 10 percent or less, occurring in a single expansion over a two-year time period~~
~~(f)~~	~~Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair~~
~~(g)~~	~~Fences adhering to standards required in CBDC 17.335.020 and Chapter 8.10 CBMC.~~
~~(h)~~	~~Change in occupancy from one allowed land use to another allowed land use if a permitted use in the zoning district~~
~~(i)~~	~~Single-unit dwelling (including certified factory-built home on its own lot)~~
~~(j)~~	~~Duplex on a single lot~~
~~(k)~~	~~Accessory structures that do not require a building permit~~
~~(l)~~	~~Accessory dwelling units not subject to CBDC 17.312.040(2)~~
~~(m)~~	~~Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires a land use review~~
~~(n)~~	~~Land use compatibility statement, zone verification letters or similar information~~
~~(o)~~	~~Signs consistent with Chapter 17.333 CBDC~~
~~(p)~~	~~Traffic impact analysis subject to CBMC Title 18~~

17.130.~~035~~030 Pre-application review.

(1) Requirement. Unless otherwise expressly provided in this title, all applications subject to Type III or Type IV review are subject to pre-application review unless the director waives the requirement in writing.

(2) Waiver. The director may waive a pre-application review; however, the applicant shall acknowledge on the pre-application waiver form that ~~s/he~~they understand~~s~~ that waiver of pre-application review may increase the maximum time for review for technically complete status and may increase the risk that the application will be rejected, or processing will be delayed.

(3) Application Requirements and Contents. A pre-application submittal shall include a nonrefundable pre-application fee, a completed pre-application form provided by the city with the requisite fee and one ~~three~~ paper ~~copies~~copy to fit on an eight-and-one-half-inch by 11-inch page and one electronic copy of the following information:

(a) A preliminary site plan which shall include, where applicable, a north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering, structures and landscaping on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and

other features may be approximate if such information is not in the public record. Principal features of the plan shall be dimensioned by architectural scale~~;~~.

(b) Drawings showing proposed elevations or a likeness of the proposed structures~~;~~.

(c) Proposed dedications to the city or other agency, if applicable~~;~~.

(d) A written description of the proposed use or development. The descriptions shall identify any variances, adjustments or exceptions needed for approval of the plan~~.~~.

(4) Scheduling, Notice and Attendees.

(a) Within seven calendar days after receipt of an application for pre-application review, the city shall mail or otherwise convey written notice of the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference.

(b) The pre-application conference shall be scheduled not more than 21 calendar days after the notice is mailed or otherwise conveyed.

(c) The director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include ~~the design assistance team (DAT), the director, the city engineer~~representatives from the city community development, public works, and fire departments, a representative from affected service districts, including transportation and transit agencies and representatives from interested state agencies and neighborhood associations recognized by the city council or by Coos County.

(5) Meeting Summary. Within 14 calendar days after a pre-application conference, the director will provide a written summary of the conference to the applicant and to other persons who request it. The written summary shall:

(a) Summarize the proposed application(s);

(b) Provide the relevant approval criteria and development standards in the city code or other applicable law; and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;

(c) Evaluate the information offered by the applicant to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;

(d) Identify applicable application fees in effect at the time, with a disclaimer that fees may change;

(e) Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:

(i) Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application~~;~~.

(ii) Physical development limitations, such as steep or unstable slopes, wetlands, or water bodies, that exist on and in the vicinity of the property subject to the application~~;~~.

(iii) Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.

(6) Time Limit. The written summary of a pre-application conference is valid for up to one year from the date of the meeting summary provided by the city. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference shall be required for future development subject to CBDC 17.130.020.

17.130.040 Application contents for all application types.

(1) All land use applications subject to a Type I, II, III, or IV review shall contain at a minimum the contents listed in Table 17.130.040(1) – Minimum Requirements for All Applications, unless waived by the director.

Table 17.130.040(1) – Minimum Requirements for All Applications

(a)	Required nonrefundable application fee. Applications subject to a pre-application conference may apply a portion of the nonrefundable pre-application conference fee to a Type II, III, or IV application.
(b)	A completed and signed city land use application form.
(c)	A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required by the director to address issues, comments, and concerns in the summary.
(d)	Most recent conveyance document (deed) showing current ownership with legal description of the site.~~.~~
~~(e)~~	~~Written authorization to file the application signed by the owner of the property that is the subject of the application if the applicant is not the same as the owner as listed by the Coos County assessor.~~
(~~f~~e)	A written narrative ~~description~~ of the proposal including but not limited to description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule including project phasing, if known.
(~~g~~f)	A written ~~description~~ narrative of how the application complies, or with conditions can comply, with each applicable ~~CBCP~~comprehensive plan policy, this title, and other city and state policies and regulations applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application.
(~~h~~g)	A site plan and floor plan (as applicable)~~legal description of the site~~. See CBDC 17.130.040(2).

(2) A project site plan identifying existing conditions to remain, and the proposed development and/or land use. The site plan shall include all ~~relevant~~ information from Table 17.130.040(2) – Site Plan Requirements determined by the director to be relevant to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable ~~CBCP~~comprehensive plan policy, this title, and other city and state policies, regulations, and approval criteria applicable to the application.

Table 17.130.040(2) – Site Plan Requirements

Site plan drawn to scale of no less than 11 inches by 17 inches.
Graphic scale of the drawing and the direction of true north.
Vicinity map showing location of subject site within the city of Coos Bay and the surrounding existing street system.
Zoning and uses of subject site.
Zoning and uses of properties adjacent to subject site.
Property boundaries, dimensions and size of the subject site.
A floor plan at a one-quarter- or one-eighth-inch scale.
Architectural exterior elevations, showing north, south, west and east exterior elevations at a one-quarter or one-eighth-inch scale.
Location, scaled dimensions of structures, setbacks between buildings and property lines, parking areas, drive aisles, walkways and height of proposed structures.
Location and scaled dimensions of on-site and off-site parking areas, including required parking landscaping islands; pedestrian cross-aisles; and indicate whether proposed parking is standard, compact, or handicapped-accessible and parking lot lighting.
Calculations indicating: • Total site area; • The total square footage of existing and proposed structures including percentage of total site area; • The total square footage amount of existing and proposed pervious area and landscaping area, including percentage of total site area; • The total area dedicated to parking, including percentage of total site area; and • The required and proposed number of parking spaces, including the number of standard parking spaces, compact parking spaces and handicapped-accessible parking spaces.

Location of on-site driveways and access points within 100 feet of the subject site.
Location, centerline, and dimensions of existing public rights-of-way, private streets and easements on site and within 100 feet of the site.
Location of all public and private easements on the site.
Location of existing fire hydrants.
Detailed landscaping plan consistent with CBDC 17.335.060 indicating specific code standards that will be met in each location.
Location of exterior lighting consistent with CBDC 17.335.040 indicating specific code standards that will be met.
Location of existing aboveground and underground electrical, telephone or utility equipment and traffic control poles.
Location, centerline, and dimensions of proposed dedications, and identification of proposed frontage improvements, including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation.
Approximate on-site slopes and grades.
Proposed project-phasing boundaries.
Demonstration of compliance with applicable state and federal guidelines, including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing
Location of significant trees and other natural resources on site.
Location and dimensions of all on-site pedestrian connections.
The location and dimensions of loading and service areas, recreational or open space features, aboveground and underground utilities, and the size and location of solid waste and recyclable storage areas.

(3) Any additional information including but not limited to Table 17.130.040(3) – Additional Contents required by the director to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable ~~CBCP~~comprehensive policy, this title, and other city and state policies, regulations, and approval criteria applicable to the application.

Table 17.130.040(3) – Additional Contents

A survey prepared by a registered land surveyor or an existing conditions plan prepared by a registered land surveyor, licensed architect, landscape architect or civil engineer.
Preliminary grading, erosion control, and drainage plans.
Preliminary utility plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Public and private easements for sanitary sewer, water and stormwater shall also be indicated.
Traffic impact analysis if applicable. Note, a traffic impact analysis is required for proposals to create 20 or more residential units (e.g., single-unit residential lots, multi-unit dwellings, certified factory-built home parks), 20,000 square feet or more of commercial/industrial space, or similar land use as determined by the director. The TIA shall be consistent with CBMC 18.40.010 and 18.40.020 and state of Oregon requirements.

(4) Additional application contents associated with a specific application required for the proposed development and/or land use. See Table 17.130.040(4) for specific permit/review applications and applicable code sections with additional application contents and process requirements.

Table 17.130.040(4) – Additional Applications and Code Sections

Permit/Review	Code Section
Adjustment Review	Ch. 17.372 CBDC, Adjustment Review

Permit/Review	Code Section
Annexation	Ch. 17.345 CBDC, Annexation
Conditional Use Permit	Ch. 17.347 CBDC, Conditional Uses
Partitions	Ch. 17.359 CBDC, Partitions
Comprehensive Plan Amendments	Ch. 17.360 CBDC, Plan Amendments and Zone Changes
Replats and Property Line Adjustments	Ch. 17.363 CBDC, Replats and Property Line Adjustments
Sign Permit	Ch. 17.333 CBDC, Signs
Subdivisions	Ch. 17.367 CBDC, Subdivisions
Temporary Use Permit	Ch. 17.337 CBDC, Temporary Use Permit
Zoning Amendments	Ch. 17.360 CBDC, Plan Amendments and Zone Changes

17.130.050 Review for technically complete status.

(1) Applicability and Schedule. ~~Before accepting an application subject to a Type I, II, or III review, the director shall determine within~~The director shall have 30 calendar days after the application for land use review is submitted to determine whether the application is technically complete.

(2) Technically Complete Status. An applicant for development and/or land use review shall submit the requisite nonrefundable fee, one ~~three~~ paper copy~~ies~~ formatted to an eight-and-one-half-inch by 11-inch sized page (all plans must be folded to a size equal or less than 11 inches by 17 inches) and one electronic copy of the information required by CBDC 17.130.040 except as otherwise provided therein. Additional copies may be required, depending upon who the review authority is for the application type.

(3) Additional Information. Additional information may be requested by the director.

(4) Excluded Information and Application Fees. The director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding consistent with ~~CBCP~~the comprehensive plan, this title, and other city and state policies, regulations, and approval criteria applicable to the application. However, no application shall be accepted for review without required nonrefundable application fees, unless waived by the director.

(5) Missing Information. If the director determines a ~~Type I, II or III~~land use application is not technically complete, within 30 calendar days after the city receives the application the director shall send the applicant a written statement rejecting the application. Incompleteness shall be based solely on failure to pay required fees, failure to address the relevant criteria or development regulations, or failure to supply information to assure the decision maker and public understanding of the application. The statement shall:

(a) List what is required to make the application technically complete;

(b) Specify a date by which the required missing information must be provided;

(c) State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and

(d) Include recommendations for additional information that, although not necessary to make the application technically complete, are recommended to address other issues that are or may be relevant to the review.

~~(6) Final Actions for a Technically Incomplete Application. If the director decides that all of the required information is not submitted by the date specified in a rejected application, or as extended, the director shall:~~

~~(a) Provide a letter rejecting the application for lack of completeness and stating the reasons for the return; or~~

~~(b) Issue a decision denying the application based on a lack of information.~~

(~~7~~6) The application will be deemed complete by the director for the purpose of this section upon receipt of:

(a) All the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(~~8~~7) 120-Day Rule. Pursuant to ORS 227.178, the city will reach a final decision that approves, approves with conditions, or denies the application~~. The city will reach its decision~~ within 120 calendar days from the date that the application was determined to be complete or deemed complete (unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise); including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA). ~~However, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.~~ Any exceptions to this rule shall conform to the provisions of ORS 227.178. The 120-day rule does not apply to Type IV legislative decisions ~~including this title,~~such as development code map and text amendments; comprehensive plan map and text amendments, including the estuary plan and city transportation plan; urban growth boundary changes; and annexations.

(~~9~~a) The 120-calendar-day timeline may be extended at the written request of the applicant.

(~~10~~b) The applicant may amend the application up to and including 14 calendar days after the application has been deemed complete.

(~~11~~i) Amendments to an application submitted more than 14 calendar days after the application is deemed complete may be determined by the director to be so substantial that the application shall be treated as having been refiled. In such a case, the director shall provide the applicant with the following options:

(A) ~~p~~Provide the city with a waiver of the 120-day time frame set forth in ORS 227.178 of a minimum of 14 calendar days from the date the amendment was submitted~~;~~.;

(B) ~~t~~Treat the application as having been refiled as of the date the amendment was submitted; or

~~(A)~~(C) ~~d~~Decide the application on the basis of the applicant's materials without the amendment.

(~~12~~8) For any application which has been on file with the city for more than 90 calendar days and the applicant has not met the obligations of this section, the application will be deemed withdrawn.

17.130.060 Distribution of notices.

(1) The city shall provide all required notices subject to Type II, III, or IV review to:

(a~~1~~) The applicant and the applicant's representative;

(b~~a~~) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and

~~(b) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing or transmittal confirmation executed by the person who did the mailing or notification shall be conclusive evidence that notice was provided to parties listed or referenced in the certificate;~~

(c2) Agencies with jurisdiction, including transportation and transit agencies; and

(d~~3~~) Other persons with standing who request such notice in writing.

(2) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing or transmittal confirmation executed by the person who did the mailing or notification shall be conclusive evidence that notice was provided to parties listed or referenced in the certificate.

17.130.070 Approval criteria.
The authorizing authority shall approve a land use application if the applicant has sustained the burden of proving that:

(1) The application complies with the applicable regulations of the ~~Coos Bay~~ comprehensive plan and development code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary variances have been approved; or that adopted conditions of approval have been met prior to final plat approval.

(2) The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans, and regulations.

(3) The development will not have a significant adverse effect on adjacent properties or public facilities.

17.130.075 Approval compliance and occupancy.
(1) All development and/or land use authorized for a property shall substantially conform to the authorized site plans, floor plans, and elevations imposed thereon unless amended or replaced by a subsequent city approval.

(2) Compliance with all conditions of approval ~~for development and/or land use authorized for a property~~ shall be met prior to issuance of certificate of occupancy. If authorized by the director, conditions specific to public and site improvements may be accomplished in phases by performance bonds or other suitable security as determined by the director to secure an applicant's obligation to comply with development and/or land use authorization conditions of the approval.

17.130.080 Type I procedure.
(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

(2) Notice of Application. No notice is required for a Type I application.

(3) Decision. Within 30 calendar days after the date an application subject to a Type I process is accepted as technically complete, the director shall issue a notice of decision that the application is approved, approved with conditions, or denied; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

(a) Notice of Decision. The notice of decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The city shall provide an electronic copy ~~and hard copy~~ of the decision to the applicant and applicant's representative(s).

(i) Contents of a Notice of Decision. A notice of decision shall contain at least the following information:

(A) A copy or summary of the written decision;

(B) The appeal closing date;

(C) A description of how to file an appeal of the decision, including applicable fees;

(D) A statement that the public record in the case is available for review and the place, days and times for review; and

(E) The name and telephone number of the city staff person to contact for information about the case or to review the case file.

(ii) Distribution of Notices. Refer to CBDC 17.130.060.

(4) Appeal of a Type I Decision.

(a) Deadline. An appeal together with the requisite fee and information must be received by the city within 15 calendar days of the date of the notice of decision being issued. Any appeal heard by the city's planning commission or city council must be heard within the 120-day appeal period pursuant to subsection (4)(f) of this section.

(b) Standing. A final decision regarding an application subject to a Type I process may be appealed only by the applicant or applicant's representative.

(c) Appeal Contents. An appeal shall include the appropriate fee and the following information:

(i) A form provided for that purpose by the city;

(ii) The case number as designated by the city;

(iii) The name of the applicant;

(iv) The name, address and signature of each appellant;

(v) The reasons why each aspect is in error as a matter of fact or law; and

(vi) The evidence relied on to prove the error.

(d) Scope of Review. An appeal of a Type I decision shall be conducted de novo. ~~"De novo" means a hearing by the appeal authority can be held as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.~~ Except as otherwise specified in this code, or required by state law, the appeal authority may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The appeal authority shall consider all of the following in making such a decision:

(i) Prejudice to the parties.

(ii) Convenience or availability of evidence at the time of the initial hearing.

(iii) Surprise to opposing parties.

(iv) The competency, relevancy and materiality of the proposed testimony or other evidence.

(v) Such other factors as may be determined by the reviewing body to be appropriate.

(e) Appeal Authority. Within seven calendar days after a timely, complete appeal is filed regarding a decision subject to a Type I process, the city shall send to the planning commission or hearing officer a copy of the appeal and the case file together with any new evidence submitted with the appeal. Within 21 calendar days after a timely, complete appeal is filed, the planning commission shall send to the city a final decision for distribution to the applicant and applicant's representative.

(f) Appeal Authority Decision.

(i) Upon review, the appeal authority shall by final order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.

(A) When the appeal authority modifies or renders a decision that reverses a decision, the final order shall set forth its findings and state the reasons for taking the action.

(B) When the appeal authority modifies or renders a decision, the final order shall set forth its findings and state the reasons for taking the action.

(C) When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

(ii) If the appeal is heard by the planning commission, action by the planning commission shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. If the appeal is heard by a hearing officer, the hearing officer shall take the action. Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered.

(5) Revocation of Type I Permits.

(a) Revocation of Type I permits may be initiated by the director with a 60-day notification to a property owner and his/her representative that the permit requirements are not being satisfied.

(b) Revocation by the Director. The director may revoke a Type I permit if ~~s/he~~they find~~s~~ that:

(i) The ~~Type I~~use or development is not consistent with its authorization or other applicable standards of this title; and

(ii) The applicant has failed to remedy the alleged violation within 60 calendar days after the director provides notice of the alleged violation to the operator and/or owner of ~~a Type II~~the use or development.

(c) Revocation of Type I permits is subject to subsection (4) of this section.

17.130.090 Type II procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

(2) Notice of Application. Twenty days prior to the director's decision, the city shall provide written notice of the application within 150 feet of the application site; however, notification of a Type II permit for a vacation rental as regulated by Chapter 17.370 CBDC shall require a written notice of ~~LU~~ the application within 300 feet of the application site.

(a) Contents of a Notice of Application Subject to Type II Review. The notice of a Type II application shall contain at least the following information:

(i) The file number;

(ii) The name(s) and address(es) of the applicant and owner;

(iii) The legal description of the site;

(iv) The street address or other easily understood geographical reference to the subject property;

(v) A description of the proposal and a listing of the approval criteria by applicable code section number;

(vi) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;

(vii) The name and contact information of the city representative to contact regarding the application;

(viii) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due; and

(ix) A statement outlining the appeals process.

(b) Comments. The city shall provide the applicant a copy of comments timely received in response to the notice.

(c) Distribution of Notices. Refer to CBDC 17.130.060.

(3) Decision.

(a) Within 120 calendar days after the date an application subject to a Type II process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA); provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

(b) The decision shall include a brief summary of the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval.

(c) Notice of Decision. Within seven calendar days after issuing a decision, the city shall mail notice of the decision to interested agencies and property owners within, as applicable, 150 feet or 300 feet of the subject application area.

(i) Contents of a Notice of Decision. A notice of decision shall contain at least the following information:

(A) A copy or summary of the written decision;

(B) The appeal closing date;

(C) A description of how to file an appeal of the decision, including applicable fees;

(D) A statement that the public record in the case is available for review and the place, days and times for review; and

(E) The name and telephone number of the city staff person to contact for information about the case or to review the case file.

(ii) Distribution of Notices. Refer to CBDC 17.130.060.

(d) Effective Date of Decision. Unless a condition of approval specifies otherwise or the decision is appealed pursuant to subsection (4) of this section, a Type II decision becomes ~~effective~~ final upon the date the city mails the notice of decision.

(4) Appeal of a Type II Decision.

(a) Deadline. An appeal together with the requisite fee and information must be received by the city within 15 calendar days of the date of the final order being issued. Any appeal heard by the city's planning commission or city council must be heard within the 120-day appeal period pursuant to subsection (4)(f) of this section.

(b) Standing. A final decision regarding an application subject to a Type II process may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter.

(c) Appeal Contents. An appeal shall include the appropriate fee and the following information:

(i) A form provided for that purpose by the city;

(ii) The case number as designated by the city;

(iii) The name of the applicant;

(iv) The name, address and signature of each appellant;

(v) The reasons why each aspect is in error as a matter of fact or law; and

(vi) The evidence relied on to prove the error.

(d) Scope of Review. An appeal of a Type II decision shall be conducted de novo. ~~"De novo" means a hearing by the appeal authority can be held as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.~~ Except as otherwise specified in this code, or required by state law, the appeal authority may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The appeal authority shall consider all of the following in making such a decision:

(i) Prejudice to the parties.

(ii) Convenience or availability of evidence at the time of the initial hearing.

(iii) Surprise to opposing parties.

(iv) The competency, relevancy and materiality of the proposed testimony or other evidence.

(v) Such other factors as may be determined by the reviewing body to be appropriate.

(e) Appeal Authority. For an appeal regarding a decision subject to a Type II process, the city shall schedule a public hearing to be held by the planning commission not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for applications subject to a Type III process in CBDC 17.130.100.

(f) Review Body Decision.

(i) Upon review, the appeal authority shall by final order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.

(A) When the appeal authority modifies or renders a decision that reverses a decision, the final order shall set forth its findings and state the reasons for taking the action.

(B) When the appeal authority modifies or renders a decision, the final order shall set forth its findings and state the reasons for taking the action.

(C) When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

(ii) Action by the appeal authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered.

(5) Revocation of Type II Permits.

(a) Except as otherwise expressly provided by ~~the Coos Bay development code~~this title, revocation of Type II permits may be initiated by the director with a 60-day notification by mail to a property owner that the permit requirements are not being satisfied. Notification to surrounding property owners will be provided pursuant to subsection (2) of this section. Notification will include a statement that the revocation determination can be reviewed at City Hall during working hours and that copies can be obtained for a fee equal to the city's cost for providing the copies.

(b) Revocation by the Director. The director may revoke a Type II permit if ~~s/he~~they find~~s~~ that:

(i) The ~~Type II~~ use or development is not consistent with its authorization or other applicable standards of this title; and

(ii) The applicant has failed to remedy the alleged violation within 60 calendar days after the director mails notice of the alleged violation to the operator and/or owner of ~~a Type II~~the use or development.

(c) Revocation of Type II permits is subject to subsection (4) of this section.

17.130.100 Type III procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

(2) Notice of Application. Twenty days prior to the ~~director's decision~~date of the hearing, the city shall mail a written notice of the application to property owners within 300 feet of the application site.

(a) Contents of a Notice of Application Subject to Type III Review. The notice of Type III application shall contain at least the following information:

(i) The file number;

(ii) The name(s) and address(es) of the applicant and owner;

(iii) The legal description of the site;

(iv) The street address or other easily understood geographical reference to the subject property;

(v) A description of the proposal and a listing of the approval criteria by applicable code section number;

(vi) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;

(vii) The name and contact information of the city representative to contact regarding the application;

(viii) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;

(ix) A statement outlining the appeals process.

(x) The date, time and place of the hearing;

(xi) A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission;

(xii) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed; and

(xiii) A statement that interested parties may testify orally or in writing at the public hearing.

(b) Comments. The city shall provide the applicant a copy of comments timely received in response to the notice.

(c) Distribution of Notices. Refer to CBDC 17.130.060.

(3) Public Hearing. An application subject to a Type III process will be considered at one or more public hearings before the city's planning commission or a hearings officer.

(a) Notice of Hearing. ~~At least 20 calendar days before the date of the hearing, the city shall mail public notice of the hearing to adjoining property owners within a 300-foot radius of the application site as provided in subsection (2) of this section.~~See CBDC 17.130.100(2).

(b) Staff Report. At least seven calendar days before the date of the hearing, the director shall make available a hard copy of the staff report regarding the application available at City Hall, an electronic copy of the staff report available on the city website, and shall ~~mail a hard~~provide an electronic copy of the staff report to the planning commission, the applicant, and the applicant's representative(s) and other parties who request it. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval.

(c) Public Hearing Procedure. Public hearings shall be conducted in accordance with the rules of procedure adopted by the planning commission or the hearings officer. A public hearing shall be recorded on audio or audiovisual tape.

(i) At the beginning of a hearing an announcement shall be made to those in attendance that:

(A) Lists the applicable approval criteria by development code section number.

(B) Testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the comprehensive plan or development code which the person believes to apply to the application.

(C) Failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the decision-making authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

(D) Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.

(E) The decision-making authority must be impartial and that members of the decision-making authority shall not have any bias or personal or business interest in the outcome of the application. Prior to the receipt of any testimony, members of the decision-making authority must announce any ex-parte contacts. The decision-making authority shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex-parte contacts.

(F) States that if any member of the decision-making authority has visited the site, they shall describe generally what was observed.

(G) Summarizes the procedure of the hearing.

(ii) After the announcements, the chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.

(iii) After the presentation of the staff report, the chair shall call for the applicant's testimony, supporting testimony, opposition testimony, and neutral testimony, in that order.

(iv) At the conclusion of the hearing on each application, the planning commission shall announce one of the following actions:

(A) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

(B) That the public record is held open to a date and time certain. The planning commission shall state where additional evidence and testimony can be sent and shall announce any limits on the nature of the evidence that will be received after the hearing.

(C) That the application(s) is/are taken under advisement, denied, approved, or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in this section.

(4) Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the director shall submit to the city a written decision regarding the application(s). The decision shall set out the relevant facts and applicable standards for the application(s) and a summary of how the application(s) complies with those standards based on the facts and evidence, including any conditions of approval.

(a) Notice of Decision. Within seven working calendar days of the date of the decision, the city shall provide a notice of decision to interested property owners within a 300-foot radius of the application site.

(i) Contents of a Notice of a Decision. Notice of a decision shall contain at least the following information:

(A) A copy or summary of the written decision;

(B) The appeal closing date;

(C) A description of how to file an appeal of the decision, including applicable fees;

(D) A statement that the public record in the case is available for review and the place, days and times for review; and

(E) The name and telephone number of the city staff person to contact for information about the case or to review the case file.

(ii) Distribution of Notices. Refer to CBDC 17.130.060.

(b) Effective Date of a Decision. A decision becomes final upon the date the city mails the notice of decision.~~15 calendar days from the receipt of the planning commission final order~~.

(5) Appeal of a Type III Decision.

(a) Deadline. An appeal together with the requisite fee and information must be received by the city within 15 calendar days of the date of the final order being issued. Any appeal heard by the city council must be heard within the 120-day appeal period.

(b) Standing. A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the planning commission or hearings officer closed the public record in the case.

(c) Appeal Contents. An appeal shall include the appropriate fee and the following information:

(i) A form provided for that purpose by the city;

(ii) The case number as designated by the city;

(iii) The name of the applicant;

(iv) The name, address and signature of each appellant;

(v) The reasons why each aspect is in error as a matter of fact or law; and

(vi) The evidence relied on to prove the error.

(d) Scope of Review. The appeal authority scope of review of a Type III decision is limited to the record of the original action on the application.

(e) Appeal Authority. For an appeal regarding a decision subject to a Type III process, the city shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made ~~and noticed regarding the appeal as for applications subject to a Type III process in this section~~.

(f) Review ~~on~~ of the Record.

(i) The record on appeal of a Type III decision shall be limited to:

(A) A factual report prepared by the director.

(B) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.

(C) The written transcript or electronic recording of the hearing and a detailed summary of the evidence.

(ii) The city council shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence, to any party who has filed a notice of appeal. The appeal authority shall decide if the correct procedure was followed and, if so, was the correct or appropriate decision made based on the applicable policies.

(g) Review Body Decision.

(i) Upon review, the city council shall by final order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.

(A) When the appeal authority modifies or renders a decision that reverses a decision, the final order shall set forth its findings and state the reasons for taking the action.

(B) When the appeal authority modifies or renders a decision, the final order shall set forth its findings and state the reasons for taking the action.

(C) When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

(ii) Action by the city council shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered.

(6) Revocation of Type III permits.

(a) Except as otherwise expressly provided by ~~the Coos Bay development code~~this title, revocation of Type III permits may be initiated by the director with a 60-day notification by mail to a property owner that the permit

requirements are not being satisfied. Notification to surrounding property owners will be provided pursuant to subsection (2) of this section. Notification will include a statement that the revocation determination can be reviewed at City Hall during working hours and that copies can be obtained for a fee equal to the city's cost for providing the copies.

(b) Revocation by the Planning Commission. The planning commission may revoke a Type III permit if they find that:

(i) The ~~Type III~~ use or development is not consistent with its authorization or other applicable standards of this title; and

(ii) The applicant has failed to remedy the alleged violation within 60 calendar days after the director mails notice of the alleged violation to the operator and/or owner of ~~a Type III~~the use or development.

(c) Revocation of Type III permits is subject to subsection (5) of this section.

17.130.110 Type IV procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

(2) Notice of Application. ~~Twenty days prior to the director's decision, the city shall mail a written notice of the application to property owners within 300 feet of the application site~~Refer to CBDC 17.130.110(3).

(a) Contents of a Notice of Application Subject to Type IV Review.

(i) The file number;

(ii) The name(s) and address(es) of the applicant and owner;

(iii) The legal description of the site;

(iv) The street address or other easily understood geographical reference to the subject property;

(v) A description of the proposal and a listing of the approval criteria by applicable code section number;

(vi) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;

(vii) The name and contact information of the city representative to contact regarding the application;

(viii) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;

(ix) A statement outlining the appeals process.

(x) The date, time and place of the hearing;

(xi) A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission;

(xii) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed;

(xiii) A statement that interested parties may testify orally or in writing at the council public hearing;

(xiv) A statement of the date, time, and place for the city council public hearing in accordance with the rules of procedure adopted by the city council; and

(xv) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed.

(b) Comments. The city shall provide the applicant a copy of comments timely received in response to the notice.

(c) Distribution of Notices. Refer to CBDC 17.130.060.

(3) Public Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the planning commission and one or more public hearings before the city council. The planning commission and city council may combine their meetings into one public meeting.

(a) Notice of the Initial Planning Commission Hearing. At least 20 calendar days before the date of the first planning commission hearing regarding an application subject to a Type IV process, the director shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate.

(i) If the Type IV procedure is related to a specific property, public notice shall be mailed as specified in subsection (2) of this section to property owners within 300 feet of the application site.

(ii) At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be posted at City Hall, on the city website, and in the local newspaper.

(b) Staff Report. At least seven calendar days before the date of the first planning commission or joint planning commission/council hearing, the city shall issue a written staff report regarding the application. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards. The city shall ~~mail~~ provide an electronic~~a~~ copy of the staff report to the review authority and to other parties who request it and post an electronic copy of the staff report on the city website. Copies of the staff report also shall be available at the public hearing.

(c) Public Hearing Procedures. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded on audio or audiovisual tape.

(i) At the conclusion of a planning commission or joint planning commission/council hearing on an application subject to a Type IV process, the planning commission or, in the case of a joint planning commission/council meeting, the council shall announce one of the following actions, which may not be appealed:

(A) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing; or

(B) That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation.

(C) That, in the case of a joint planning commission/council hearing, the council may take action as noted in subsection (3)(c)(iii) of this section.

(ii) At least 14 calendar days before the date of the first hearing before the city council, the city shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be posted at City Hall and on the city website.

(iii) At the conclusion of its initial hearing noted in subsection (3)(c)(i) or (ii) of this section, the city council may continue the hearing, take an action forwarding the application for further review consistent with this title~~the CBDC~~, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing

is not required to be mailed or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

(4) Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the director shall ~~submit to the city a written decision regarding a Type IV application requested by a property owner specific to a particular property~~reduce the decision to writing.

(a) Notice of Decision. The city shall issue a notice of decision regarding the application(s) within seven calendar days of the date of the decision. The city shall provide the notice of decision related to a specific property as provided in CBDC 17.130.080(3)(a)(i) to property owners within a 300-foot radius of the application site.

(b) Effective Date of a Decision. The decision is adopted by ordinance, and it becomes final and takes effect as specified in the enacting ordinance. Where the proposal is not approved, the decision to deny is final on the date the city council makes its decision.

(5) Appeal of a Type IV Decision. An application subject to a legislative Type IV process is not subject to appeal or post-decision review before the city. For an appeal regarding a decision subject to a Type IV process, the applicant, the applicant's representative, any person, agency or firm on either side who offered oral or written testimony may appeal to the Land Use Board of Appeals (LUBA). The party must file a notice of intent to appeal with the Land Use Board of Appeals, with the required fees, within 21 days after the land use decision becomes final as described by OAR 661-010-0010(3) and 661-010-0015(1)(b). The scope of the review (the record) consists of the materials submitted to, and not rejected by, the decision makers in the course of the local proceedings.

17.130.140 Expiration and extension of decisions.

(1) Except as otherwise expressly provided by ~~the Coos Bay development code~~this title or the decision in question, decisions made pursuant to this ~~chapter~~ title expire four years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision ~~or the permit is inaugurated as defined in Chapter 17.150 CBDC~~.

(2) An application for extension of a decision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the city, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.

(3) The director may approve two one-year extensions of a decision if he or she finds that:

(a) Relevant facts and the law have not changed substantially since the original approval.

(b) The application can comply with the law in effect on the date the application for the extension was filed by complying with applicable additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

(c) The applicant must demonstrate that he or she has pursued development and/or a subdivision in good faith as evidenced by the following:

(i) For development projects, a building permit has been secured and construction has commenced. For the land use permit to remain valid, construction under the building permit must successfully complete the first inspection within six months of issuance of the building permit. A foundation permit shall be treated as equivalent to a building permit, but grading, demolition, electrical, mechanical, or plumbing permits shall not be considered or treated as building permits; or

(ii) For preliminary partitions or subdivisions, ~~recordation of the final plat~~substantial completion of all required improvements or issuance of a bond pursuant to CBDC 17.367.060.

(d) At the director's discretion, any extension application may be referred to the planning commission for action.

17.130.145 Modifications to permits.

After the effective date of the approval of a previously approved permit, modifications to the approved permit may be considered in accordance with the Type II ~~application~~ procedure~~s~~ pursuant to CBDC 17.130.090. The director shall approve the request only if it complies with the following criteria:

(1) The proposed modification is not materially inconsistent with the conditions of the original approval; and

(2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the requested modification does not meet the criteria for approval, the application will be denied. Nothing in this ~~land use code~~title shall preclude the applicant from initially submitting the requested modification as a new land use ~~permit~~ application.

Section B. The text of Chapter 17.150 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.150.010 Purpose.
The purpose of this chapter is to define terms used in ~~the CBDC~~this title and other terms that may arise interpreting ~~the CBDC~~this title.

(1) Applicability. The definitions in this chapter apply to actions and interpretations of ~~the CBDC~~this title.

(2) General Provisions. Terms not identified herein shall have their ordinary accepted meanings within the context they are used pursuant to the current edition of the ~~Websters New International Dictionary of the English Language, unabridged~~Merriam-Webster Dictionary. Where the singular variation of a term is used it also includes the plural.

(3) Conflicting Definitions. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this title. Where a term is listed in this chapter but defined ~~by another section of~~elsewhere in this title, the term is not redefined in this chapter for purposes of that other code or statute. Unless the context clearly requires otherwise, the definitions in this ~~section~~ chapter shall apply to terms in this title. ~~In addition to definitions provided below, there are chapter-specific or section-specific definitions in this title.~~

~~(4) All definitions related to the city's flood management regulations can be found in CBDC 17.318.060. [Ord. 518 § 8 (Exh. 1), 2019].~~

17.150.020 Definitions.
The following definitions are organized alphabetically.

A.

Abut – To be next to or have a common boundary with something; to border on or touch along an edge.

Access – The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this title.

Access easement – An easement conveyed for the purpose of providing pedestrian, vehicle, bicycle, and/or similar access.

Access way – Pedestrian and/or bicycle connections between streets, rights-of-way, or a street or right-of-way and a building, school, park, transit stop, or other destination.

Accessory building/structure – A detached, subordinate building located on the same lot with the main building (except as provided by Chapter 17.314 CBDC) 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. Examples of accessory structures include but are not limited to: buildings not attached to the main building (e.g., garages, carports, guest houses, workshops, ~~and~~ sheds~~)~~, arbors, gazebos~~,~~, and fences) and mechanical equipment.

Accessory dwelling unit – See "Dwelling, Accessory dwelling unit."

Accessory use – 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 Chapter 17.314 CBDC). In no case shall the accessory use dominate in area, extent, or purpose the principal lawful use of the building or land.

Addition (to an existing building) – Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is considered to be new construction.

Adjacent – Near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as "adjacent."

Adjoin – The same as "abut~~ting~~."

Adjustment review – A review process to allow greater flexibility in site and building design than afforded by development standards in this title to encourage innovative and desirable projects; workforce, affordable and senior housing; energy conservation; and economic development.

Administrative service – 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.

Adult business – A business establishment where sexual activity, services, merchandise ~~and/or entertainment~~ is offered.

Adult entertainment – A business establishment where performance, exhibition, or dance that focuses on sexual activities or anatomical areas.

Affordable housing – Residential property as defined by the U.S. Department of Housing and Urban Development as an "affordable dwelling."

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

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

Apartment. See "Dwelling, Multi-unit."

Applicant – Any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

Area of special flood hazard – The land in the floodplain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).

Arterial street. See "Street, Major arterial" and "Street, Minor arterial."

Assessment – An estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

B.

Basement – 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.

Bedroom – Any space in a dwelling unit which contains a minimum of 70 square feet of floor area exclusive of garages, attic space, or similar spaces which are not habitable, such as foyers, storage closets, utility rooms, or unfinished attics and basements, that meets all of the following:

(a) Is a room that is a "habitable space" as defined by the current applicable building code;

(b) Meets the applicable building code requirements for natural light, ventilation, and emergency escape and rescue windows; and

(c) Is a room that is accessed by a door on an interior wall and that does not provide access to another room except for a bathroom, toilet room, closet, hall, or storage or utility space.

Billboard – ~~A surface whereon advertising matter is set in view conspicuously and the advertising thereon does not apply to the premises or any use of the premises whereon it is displayed or posted~~A sign on which any sign face exceeds 300 square feet in area.

Building – A structure constructed for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building, Nonconforming – A legally existing building that fails to comply with this title (for height, number of stories, size, area, yards, location, or use) applicable to the district in which the building is located.

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

Building height – Height measured from the lowest finished grade level to the highest point on the roof ridge.

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

Building permit – The document or certificate issued by the city of Coos Bay that sanctions adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

Business – An organization and/or individuals engaged in activities or efforts to produce and sell goods and services for profit.

C.

Camper – A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and/or vacation use.

Camping trailer – A structure mounted on wheels and designed for travel, recreational, and/or vacation uses.

Canopy – A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Car wash – A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

Carport – An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

Cemetery – A place for the burial or interment of dead persons or household pets.

Certified cultural resource – 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 – Also called "Manufactured dwelling." A certified factory-built home may include the following:

(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.

(b) Mobile 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 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.

(c) 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.

(d) Modular home/prefabricated home – A residential structure, consisting of many components, which meets the State of Oregon Building Codes and CBMC requirements constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.

(e) Recreational vehicle – A vehicle that is with or without motive power designed for use as temporary living quarters, as further specified in ORS 174.101d (or NFPA 501c or ANSI A119.2 if the vehicle is an older RV), is eight and one-half feet wide or less, designed to be easily transported and set up on a daily basis, and designed to be mounted on or towed by another vehicle or travel by its own power.

(~~f~~e) Park model – Unless otherwise defined by the state of Oregon, to be considered a park model, a recreational vehicle must:

- Have been manufactured to the ANSI A119.5 standard;
- Be over eight and one-half feet wide;
- Be designed for use as temporary living quarters;
- Be built on a single chassis mounted on wheels;
- Have a gross trailer area of 400 square feet or less;
- Be subject to this definition and the administration of the Coos Bay building official.

Certified factory-built home park.

(a) Manufactured dwelling park – As described in ORS 446.003(22), any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) Small manufactured dwelling park – An individual lot or parcel under single ownership with two or three certified factory-built home sites.

(c) Recreational vehicle park – Any parcel or tract of land under the control of any person, organization or governmental entity wherein two or more recreational vehicle sites are offered for rent or lease, including park-owned recreational vehicles.

(d) Park model park – Any parcel or tract of land under the control of any person, organization or governmental entity wherein two or more park model unit sites are offered for rent or lease, including park-owned park models available for rent.

~~**Child care facility** – Establishments authorized by state licensure or certification to provide supervisory or day care services for 13 or more children, excluding uses classified as educational facilities or medical facilities, and where communal kitchen/dining facilities may be provided. Typical uses include day care centers, day care facilities, or drop-in centers.~~**Child care center –** A child care facility, other than a family child care home, that is certified by the Oregon Department of Early Learning and Care.

Civic use – The provision for public functions and services including but not limited to federal, state, and municipal offices and yards, public schools and colleges, public hospitals, community centers, libraries, museums, parks, playgrounds, cemeteries, tourist information, waterways, and private and public utilities. Public buildings and institutions owned and operated by a governmental or other public agency is a civic use.

Club – Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Commercial use types – The distribution and sale or rental of goods, and the provision of services other than those classified as "civic use types."

Commission – The planning commission of the city.

Common area – The total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public restrooms, truck and service facilities, etc.

Common courtyard – A common area for use by residents of a multi-unit dwelling. A common courtyard may function as a community yard that serves residents of the multi-unit dwelling for which the courtyard was developed. Hard and soft landscape features may be included in a common courtyard, such as lawn, groundcover, trees, shrubs.

Communication services – Establishments primarily engaged in the provision of broadcasting and other information-relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as "minor utilities and services." Typical uses include television studios, telecommunication service centers, or telegraph service offices.

Concomitant rezone – A site- or area-specific rezone which uses an agreement to impose conditions on, or limitations on, uses and/or standards. It may also require performance by the applicant(s) which is/are directly related to mitigation of probable on- and off-site impacts to adjacent uses, public services and the environment. The agreement may be in the form of a covenant running with the land.

Concrete slab – A broad, flat, somewhat thick concrete surface extending under a certified factory-built home or built-in-place to the extent of the structure which rests upon it which meets applicable building code standards.

Conditional use – A use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone.

Condominium – Subject to ORS statutes in effect at the time of authorization, the private ownership of single units in a multi-unit dwelling with common or single ownership of land and facilities.

Construction – Development, erection, enlargement, alteration, conversion or movement of any building, structure, or land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

Construction sales and service – Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale from the premises of materials used in the construction of buildings or other structures other than solely retail sale of paint, fixtures, and hardware; but excludes those classified as one of the "automotive and heavy equipment" use types. The following are construction sales and service use types:

(a) Light. Service and/or sales with no outside storage of material, equipment, or display. Typical uses include electrical contractors, cabinet makers, finish contractors.

(b) 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.

Council or city council – The city council of the city of Coos Bay.

Critical facility – 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, and installations which produce, use or store hazardous materials or hazardous waste.

D.

De novo – Latin, "anew." A de novo hearing is a completely new hearing. De novo review implies no deference to a previous hearing ruling.

Dedication – The deliberate appropriation of land by the owner for any general and public uses, personally reserving no other rights than those rights compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing.

Density – The number of permitted dwelling units allowed on each acre of land.

(a) In calculating the minimum density required for a specific lot or development site, the director shall round down to the previous whole number.

(b) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number.

Example: A 50,000-square-foot (sf) property in a MDR zone is allowed to have a minimum net density of 12 dwelling units per acre (dua) to a maximum net density of 25 dua.

50,000 sf/43,560 sf = 1.15 acres (1 acre = 43,560 sf)

Minimum dwelling units allowed: 1.15 acres x 12 dua = 13.2 or 13 dwelling units (round down per subsection (a) of this definition)

Maximum dwelling units allowed: 1.15 acres x 25 dua = 28.75 or 29 dwelling units (round up per subsection (b) of this definition)

Density, Gross – The acreage of land considered part of the residential use shall include public and private streets and alleys, public parks, and other public facilities, and natural or historic resources as determined by the CBCP and CBDC.

Density, Net – The number of dwelling units per each acre of land in residential use, excluding the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities.

Density bonus – Additional dwelling units or "bonus" beyond the maximum density specified in a ~~zoning~~ zone district granted to a developer by the city in exchange for meeting city objectives, including, but not limited to, the inclusion of affordable housing units.

Development – All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

Director – The community development director or their designee.

Discrete lots – A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law (ORS 92.017).

District, ~~Zoning~~ Zone – See "Zone or ~~zoning district~~zone district."

Division – The Coos Bay planning division.

Double-faced sign – A sign with advertising on two surfaces, generally back-to-back or with an angle that does not exceed 45 degrees.

Driveway – That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Drive aisles – Drive aisles are private roadways for projects or portions of projects that access private on-street parking and site amenities not served by streets.

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

Dwelling – A building, or portion thereof, designed for and used as a residence, including attached enclosed parking. This includes both buildings constructed on site and certified factory-built homes. It does not include hotels, motels, boarding houses, recreational vehicles, park models, tents, yurts, pods or other similar accommodations.

Dwelling, Accessory dwelling unit (ADU) – An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-unit or duplex primary dwelling.

Dwelling, Attached – A dwelling having any portion of a wall in common with adjoining dwellings on the same lot or an adjoining lot. Examples include townhouses, duplexes, and interior or attached accessory dwelling units.

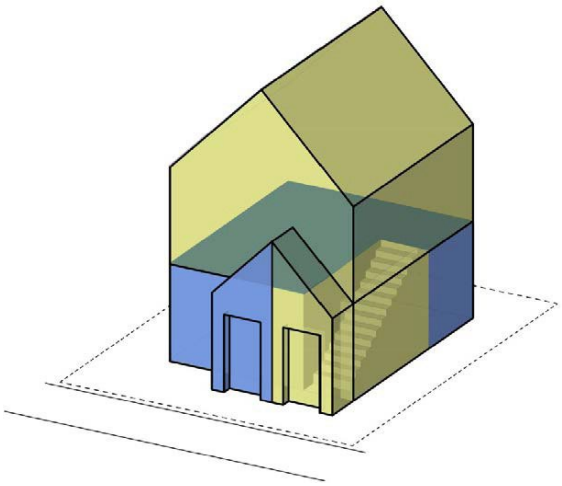
Dwelling, Cottage cluster – A grouping of detached dwelling units located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."

Dwelling, Detached – A dwelling that is entirely surrounded by open space on the same lot.

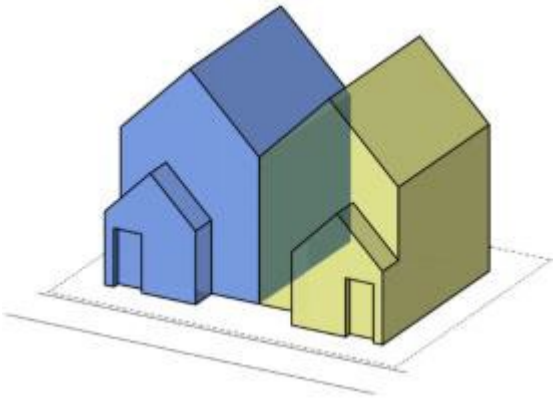
Dwelling, Duplex – Two dwelling units on a lot or parcel in any configuration. See some possible duplex configurations in Dwelling, Duplex figure below.

Dwelling, Duplex Figure

Stacked duplex

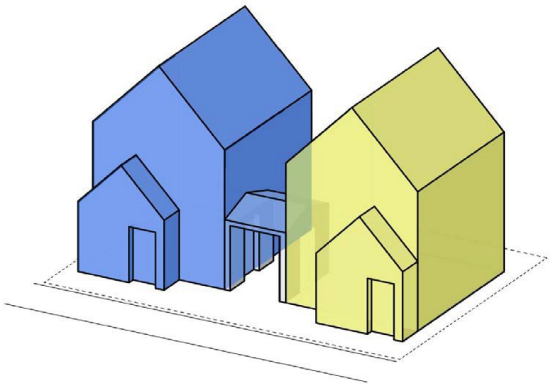


Side-by-side duplex

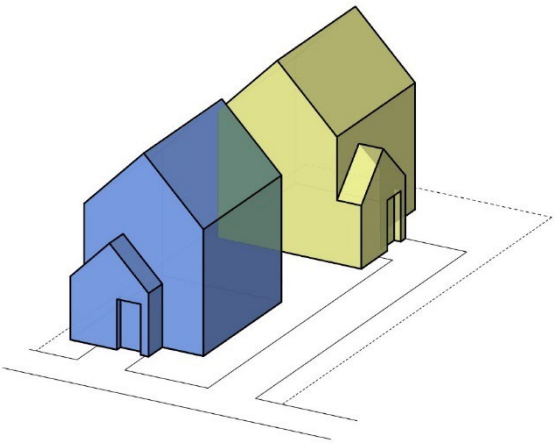


Duplex attached by a garage wall

Duplex attached by a breezeway



Detached duplex units front and back



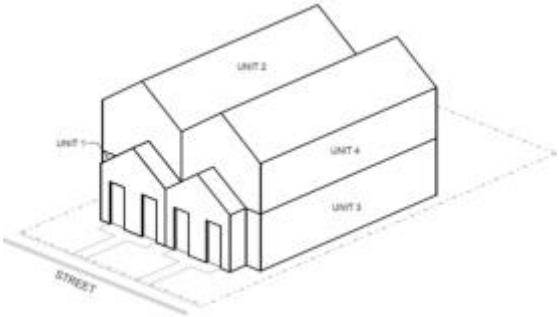
Dwelling, Manufactured home. See "Certified factory-built home."

Dwelling, Multi-unit – Three or more dwellings on a single lot or parcel, including, but not limited to, townhouses, cottage clusters, triplexes, and quadplexes. The units may be detached units or may share common walls, common roofs, or common foundations. Multi-unit dwellings also include condominium and apartment units without regard to ownership status.

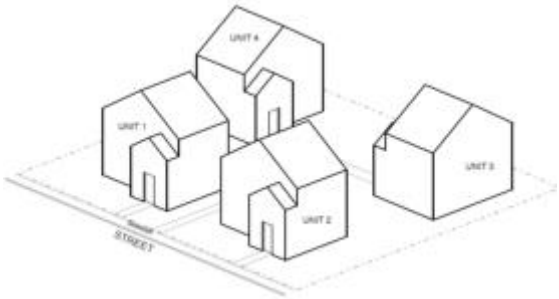
Dwelling, Quadplex – Four dwelling units on a lot or parcel in any configuration. See some possible quadplex configurations in Dwelling, Quadplex figure below.

Dwelling, Quadplex Figure

Stacked quadplex



Detached quadplex



Dwelling, Single-unit – A dwelling designed for and used as one dwelling unit. A single-unit dwelling may share a common wall, common roof, or common foundation with another single-unit dwelling on another lot or share a common wall, roof, or foundation with an accessory dwelling unit on the same lot.

Dwelling, Tiny home – A dwelling that is 400 square feet or less in floor area excluding lofts.

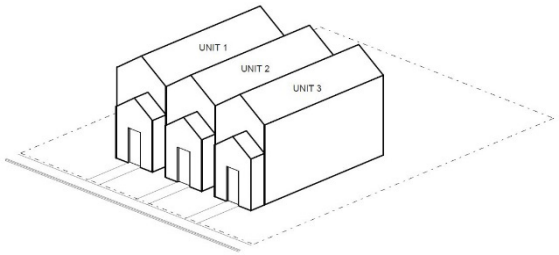
Dwelling, Townhouse – A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “townhome,” “rowhouse,” “attached house,” or “common-wall house.”

Dwelling, Triplex – Three dwelling units on a lot or parcel in any configuration. See some possible triplex configurations in Dwelling, Triplex figure below.

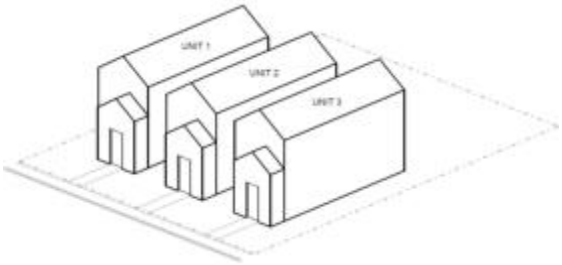
Dwelling, Triplex Figure

Attached triplex front and back

Attached triplex side by side



Detached triplex side by side



Dwelling unit – One or more rooms which have cooking and toilet facilities designed and used as a residence.

E.

Easement – A right which one person has to use the land of another for a specific purpose.

Educational institution – A facility customarily associated with public, private, charter, and/or alternative educational facilities, including the following:

(a) Primary and secondary schools, (kindergarten through grade 12 or any part thereof);

(b) Nursery and pre-schools (ages zero through five);

(c) Preschools providing primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operate on a regular basis;

(d) Vocational schools, colleges, or universities; or

(e) Dance, theater or other arts education facilities.

(f) Does not include personal instructional services listed under "Personal services, general."

Elevated building – For National Flood Insurance Program purposes, a no basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

F.

Facade – The front of a building, particularly that part of a building facing a street or courtyard.

Family child care home – A child care facility in a dwelling that is caring for not more than 16 children and is certified by or registered with, as applicable, the Oregon Department of Early Learning and Care. A family child care home is not considered a home occupation.

Farmer's market/fish market – The commercial premises for the retail sale of produce, meat and poultry, seafood and other products.

Food packing and processing – Businesses engaged in the packing or processing of agricultural crops, animals, seafood, and their by-products which entails cutting, sorting, boxing, crating, canning, rendering, tanning, and so forth.

Foot-candle – A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot or the intensity of light from a standardized candle burning at one foot from a given surface.

Foster care home – A home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than five unrelated juveniles, adults or both.

G.

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

Garage – A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Garage, Detached – An accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

General review – Director assessment of development and uses that do not require a land use application.

Glare – The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Greenhouse – An enclosed building, permanent or portable, that is used for the growth of plants.

Group care facility – A facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

Group residential care facility – Any private or public institution requiring state licensure and/or any nonprofit facility performing the same functions which provide 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.

H.

Historic property – A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Coos Bay, the region or the nation.

Home occupation – An occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes and is carried on by a dwelling resident. A family child care home is not considered a home occupation.

Homeless shelter – Any place or premises 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.

Homeowners' association – A nonprofit organization operating under recorded land agreements through which the following take place: (a) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase; (b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (c) Construction and maintenance responsibilities for any undivided property are identified and assigned.

Horticulture – Related to the art and science of gardening and cultivating plants.

I.

Impracticable – Not capable of being done with the available means without causing undue hardship.

Industrial park – A planned, coordinated development of a tract of land with two or more separate industrial buildings. An industrial park is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

Industry, Heavy – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Infill – The development of land uses upon vacant or under-utilized sites.

J.

K.

L.

Landscaping – Decorative arrangement of natural materials and vegetation such as trees, grass, bushes, shrubs, flowers, and garden areas as well as pedestrian amenities such as seating areas, pathways, lighting, public art, and pedestrian plazas.

Lodge, Club, fraternal or civic assembly – Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose for members, but not primarily for profit nor for rendering a service which is customarily carried on as a business. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. The following are assembly types:

(a) Small. Fewer than 16 persons on a regular basis.

(b) Large. Sixteen or more persons on a regular basis.

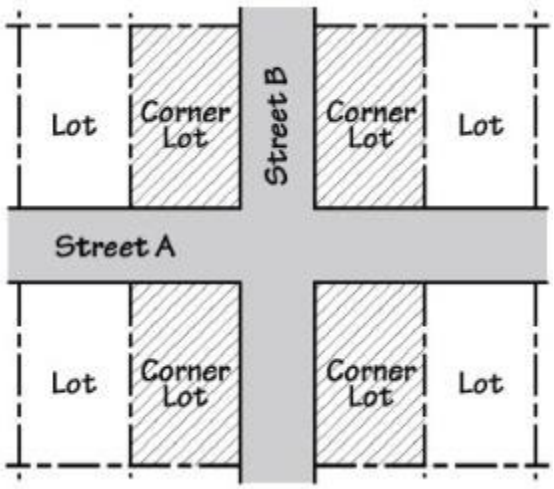
Lot – A single unit of land legally created by a partition or a subdivision or a unit of continuous land under a single ownership capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. "Lot" also means any space, area or tract of land,

or portion of a certified factory-built home park, that is designated or used for occupancy by one certified factory-built home.

Lot, Building – Land occupied or to be occupied by one or more buildings and their accessory buildings.

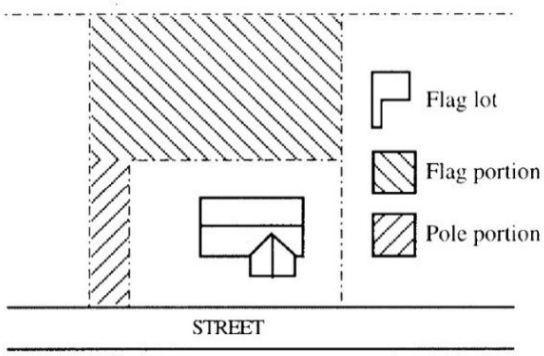
Lot, Corner – A lot abutting on two or more intersecting streets other than an alley with a boundary line bordering on each of the streets as shown on the Lot, Corner figure below.

Lot, Corner Figure



Lot, Flag – A lot the developable portion of which is located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the public right-of-way street for public access. As shown on the Lot, Flag figure below, there are two distinct parts to a flag lot: the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot generally results from the division of a large lot that does not have sufficient width for division into two lots that would both have normal frontage onto the street. Creation of a flag lot is subject to additional standards in this code.

Lot, Flag Figure



Lot, Interior – A lot or parcel of land other than a corner or a through lot.

Lot, Irregular – A lot which is shaped so that application of setback requirements is difficult; examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

Lot, Through – An interior lot having a frontage on two parallel or approximately parallel streets other than alleys. Such a lot has one front yard fronting on the primary public street.

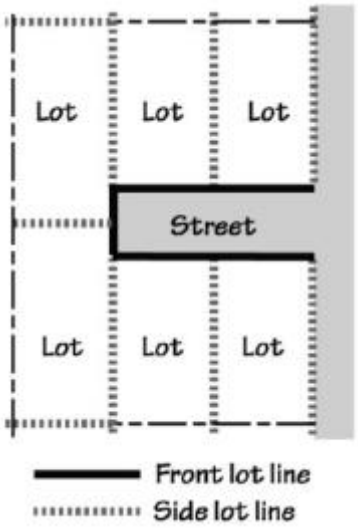
Lot area – The computed area contained within the horizontal area within the lot lines of a lot exclusive of street or alley rights-of-way.

Lot coverage – That percentage of the total lot area covered by structures.

Lot depth – The horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.

Lot line – The property line along the edge of a lot. The Lot Line figure below identifies front and side and rear property lines.

Lot Line Figure



Lot line, Front – In the case of an interior lot, the lot line separating a lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot line, Rear – A lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot line, Side – Any lot line which is not a front or rear lot line.

Lot line, Street side – Any side lot line that abuts a public street right-of-way or public or private access easement.

Lot of record – A lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained herein.

Lot width – The average (mean) horizontal distance measured between the side lot lines, ordinarily measured parallel to the front lot line.

M.

Maintain – To cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.

Major remodeling. See “Substantial improvement.”

Manufactured home – See "Certified factory-built home."

Manufactured dwelling park – See "Certified factory-built home park."

Manufacturing – Establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment. Products of these establishments are primarily for wholesale markets or transfer to other industrial users but may include direct sale to consumers.

~~**Marijuana related businesses**~~

Marijuana grow – To grow immature marijuana plants or to breed or produce marijuana seeds.

Marijuana processing – The processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts. Processing does not include packaging or labeling.

Marijuana retail – Sale of marijuana goods, merchandise, articles or things in small quantities directly to the consumer by a business holding a City of Coos Bay business license.

Marijuana wholesaler – A commercial entity that purchases marijuana products in Oregon for resale to a person or persons other than a consumer.

Marina – A facility that provides moorage, launching, storage, supplies, and a variety of services for recreational, commercial, fishing, and other vessels. Moorage facilities with five or fewer berths are excluded from this category.

Marquee – A permanent or temporary roofed structure attached to and supported by the building and projecting over public property.

Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services but excludes those classified as any civic use or group residential (group care) use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers.

Mitigation – Taking one or more of the following actions listed in order of priority:

(a) Avoiding the impact altogether by not taking a certain development action or parts of that action.

(b) Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.

(e) Compensating for the impact by replacing or providing comparable substitute resources or environments.

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

Modular home/prefabricated home. See "Certified factory-built home."

Motor home – A portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.

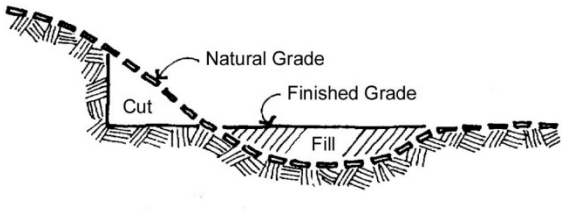
N.

National Register of Historic Places – A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register. The state of Oregon and the city

of Coos Bay also maintain separate designations for inclusion. The city's list is contained within the comprehensive plan.

Natural grade – The elevation of the ground level in its natural and original state, before manmade alterations such as grading, filling, excavation, and construction. See the Natural Grade figure below.

Natural Grade Figure



Neighborhood – An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities.

Net acres – The number of developable acres on a development site, derived from the total (gross) acreage of the site minus non-buildable lands, public rights-of-way, road easements, and any similar public facilities.

New construction – Structures for which the start of construction commenced on or after the effective date of this title.

Non-water-dependent – In general, non-water-dependent uses are those that do not require direct access to or location near waterways, and therefore could be located away from said waters.

O.

P.

Parcel – A single unit of land that is created by a partition of land (ORS 92.010).

Park-and-ride – A facility designed to city standards at or within 500 feet of a transit stop where automobiles, bicycles, and other vehicles and mobility devices can be parked by transit and rideshare riders. Location and design are guided by the currently adopted transit master plan.

Park model – See "Certified factory-built home."

Park, Public – An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

Parking lot or area and/or garage – An off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.

Parking lot or area and/or garage, Private – A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

Parking lot or area and/or garage, Public – A parking area available to the public, with or without payment of a fee.

Parking service – Parking services involving public garages and lots.

Parking space – A rectangular space designed and designated to provide parking for automobiles and bicycles in compliance with Chapter 17.330 CBDC. A parking space will provide access and maneuvering space sufficient to permit an automobile to be parked without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking structure – A standalone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

Parkrow or planter strip – A landscape area for street trees and other plantings within the public right-of-way, usually in the form of a continuous planter area between the street and sidewalk.

Partition, Land – To divide land into two or three parcels of land within a 12-month period, but does not include:

(a) 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

(b) 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.

Partition, Major – A partition which necessitates the creation of a road or street.

Partition, Minor – A partition that does not necessitate the creation of a road or street.

Pathway – A pedestrian and/or bicycle access facility outside of a roadway right-of-way that conforms to city standards. Pathways must be constructed of concrete, asphalt, brick/masonry pavers, or another city-approved durable surface meeting ADA requirements.

Pedestrian plaza – An area of no less than 100 square-feet made up of no less than 80 percent decorative pavers or textured, colored concrete and including pedestrian amenities such as seating areas, pathways, lighting, and public art. A pedestrian plaza may not be made up of asphalt.

Permit – A license, certificate, approval, or other entitlement for use granted by a public agency.

Permit modification, Major – As determined by the director, a modification that includes a significant departure for the originally approved permit for land development or land use.

Permit modification, Minor – As determined by the director, a modification that includes minor changes not affecting the use, design or intent of the originally approved permit for land development or land use.

Personal services, General – 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." Typical uses include photography studios, driving schools, or reducing salons, laundromats, or martial arts.

Planned unit development (PUD) – Subdivision – 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 review authority, and may use innovative and unique development concepts, including but not limited to clustering and mixing of land uses to create useful open space and to preserve site features.

Plot – A parcel of ground upon which a building and its accessory buildings have been or may be erected.

Porch – A structure attached to a building to shelter an entrance or serve as a semi-enclosed space, usually roofed and generally open sided.

Porch, Enclosed – A porch that contains wall(s) that are more than 42 inches in height measured from finished floor level for 50 percent or more of the porch perimeter.

Porch, Unenclosed – All walls contained in an unenclosed porch are less than 42 inches in height, but an unenclosed porch may be covered.

Preliminary plat – A neat and approximate drawing of either a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout of the preliminary plat.

Private clubs – Organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

Private drive – A road in private ownership, not dedicated to the public, which serves three or fewer dwelling units.

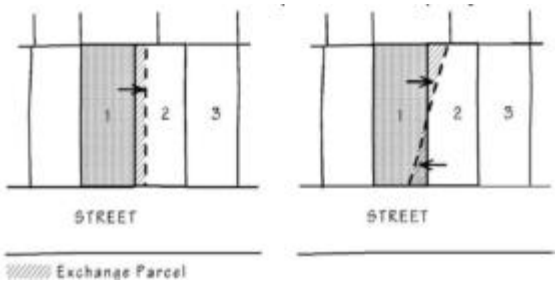
Private parking – Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports meeting the dimensional requirements of off-street parking requirements of this title.

Project – Any proposal for a new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of ~~the CBDC~~this title.

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

Property line adjustment – The relocation of a single common property line between two or more existing adjacent parcels not resulting in an increase in the number of lots pursuant to the requirements of Chapter 17.367 CBDC. See an example in the Property Line Adjustment figure below.

Property Line Adjustment Figure



Public assembly, Place of – Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

Public building – Buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, libraries, museums, and similar facilities for public use.

Public improvement – Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Q.

R.

Reader-board sign – A sign with letters and/or advertising which can be readily changed manually or electronically.

Real property – Land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.

Recreational area – Lands perpetually set aside and maintained for use by all residents of a development. These areas shall be improved and shall be of a specified size.

Recreational facility, ~~Low~~ low ~~density~~ intensity and high ~~density~~intensity. See "~~Community recreation~~Recreational space." Low intensity recreation does not require developed facilities (ie. open space). High intensity recreation involves development (ie. boat ramp).

Recreational space – An area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

Recreational vehicle. See "Certified factory-built home."

Recreational vehicle park – Land designed, maintained, or used for the purpose of supplying temporary accommodation for recreational vehicles.

Refuse service – Any place used for disposal of used material. Typical uses include sanitary landfills, dumps, or refuse disposal sites.

Residential treatment facility – A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.

Residential use – Use of land or structure thereon, or portion thereof, as a dwelling, but not including occupancy of a transient nature, such as in hotels, motels, or timesharing condominium uses.

Retail food establishment – Any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria is a restaurant for purposes of this title.

Retail sales, General – The sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified as "agricultural sales," "animal sales and service," "automotive and equipment," "business equipment sales and service," "construction sales and service," "food and beverage retail sales," and "fuel sales." Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

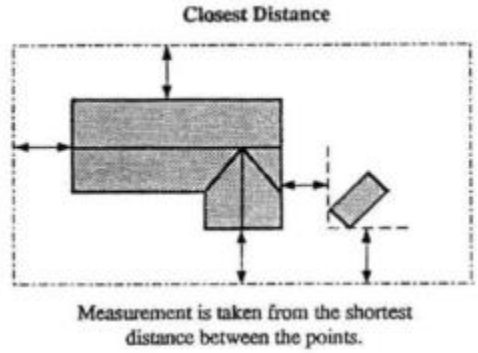
Rooming house – A building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons not included in the family unit of the owner or tenant of the premises.

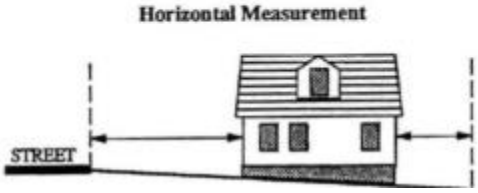
S.

Service station – A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, other operating commodities for motor vehicles or boats, and food and beverages as an accessory to automobile related uses. The cross-section areas of service station canopy support where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.

Setback – The minimum allowable horizontal distance required between a structure and a property lot line. See Setback figure below.

Setback Figure





Shopping center – A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed with common street frontage and shared common drives and off-street parking.

Sidewalk – That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the review authority.

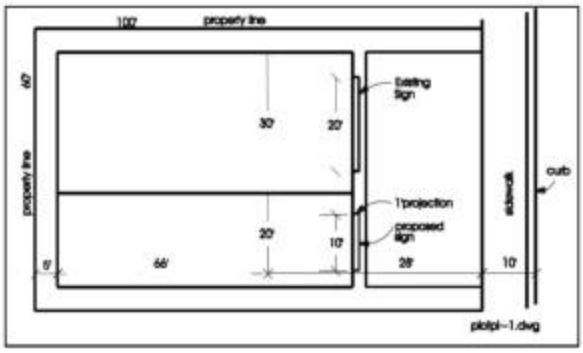
Single-faced sign – A sign with advertising on only one surface.

Single-room occupancy (SRO) – A structure providing living units with separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SROs may include boarding houses and structures commonly called SRO living units or SRO residential hotels.

Site – The lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest.

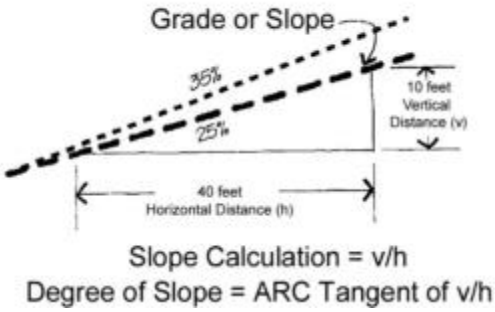
Site plan – A plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land. See Site Plan figure below.

Site Plan Figure



Slope – The deviation of a surface from the horizontal, usually expressed in percent. See Slope figure below.

Slope Figure



Soil – The surface layer of the earth, supporting plant life.

Spectator sports and entertainment – 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:

> **Spectator sports and entertainment, Indoor** – Those uses conducted within an enclosed building. Typical uses include theaters or meeting halls.
>
> **Spectator sports and entertainment, Outdoor** – Those uses conducted outdoors. Typical uses include stadiums or drive-in theaters.

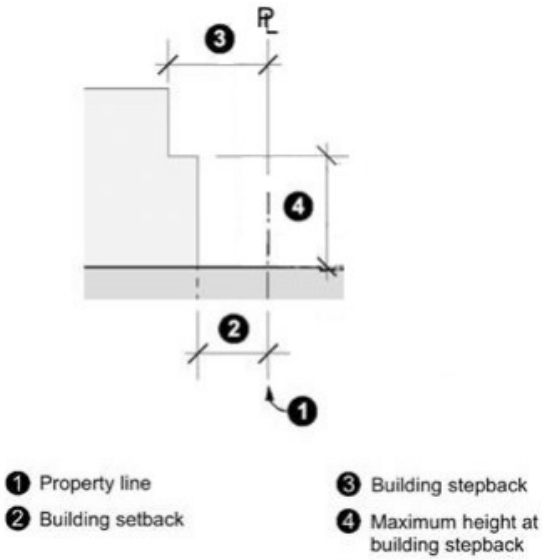
Standard factory-built home. See "Certified factory-built home."

Start of construction (for flood damage prevention only) – Includes major remodeling, 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 certified factory-built 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 foundation 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.

Stepback – Building stepbacks are stepped or progressive recessions in a building's face as the building rises higher. Stepbacks are designed to reduce building mass to allow views around the building from above and/or from

a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way. See Stepback figure below.

Stepback Figure



Stormwater – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

Stormwater treatment facility, vegetated – Onsite facility consisting of plants and soil used to slow down, filter, and absorb stormwater runoff.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

Street – All roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads but not including private driveways.

Street, Collector – A street penetrating neighborhoods, collecting traffic from local streets in the neighborhood and channeling it into the arterial system.

Street, Dead-end – A local street with only one outlet, without possibility of extension, and a maximum length of 400 feet. A vehicle turnaround may be required.

Street, Improved – A street with a paved roadway that has a structural cross-section that meets the minimum street improvement standards of the city of Coos Bay.

Street Line – The dividing line between any street, road or other thoroughfare and the adjacent lots.

Street, Local – A street which is primarily to provide direct access to abutting property and for local traffic movement.

Street, Major arterial – All state highways and major routes leading into and through the city.

Street, Minor arterial – A street of considerable continuity which is used primarily for through traffic and travel between large areas.

Street, Open – A street which provides access for property development. An open street must be:

(a) One for which the city accepts responsibility of grading and drainage maintenance;

(b) Paved to city standards with curbs, storm drainage, etc.; or

(c) An all-weather roadway and, in most cases, graveled or strip-paved. ("All-weather" means that a standard automobile can negotiate the road without difficulty year-round.)

Street, Private – A thoroughfare that is privately built and maintained which affords a primary means of vehicular access.

Structural alteration – Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

Structure – Anything assembled or constructed on the ground or attached to anything with a foundation on the ground. Under the National Flood Insurance Program, "structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Structure, Primary – A structure housing the primary use of a site or functioning as the primary use.

Subdivision, Land – Either an act of subdividing land into four or more lots or a tract of land subdivided. To divide an area into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such a year.

Substantial improvement – 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:

(a) Before the improvement or repair is started; or

(b) 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.

(c) The term does not, however, include either:

(i) 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

(ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Surface water – Waters that flow over the land surface and frequently interact with groundwater.

T.

Topography – The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

Tourist habitation – Establishments primarily engaged in the provision of lodging services on a temporary basis (30 days or less) with incidental food, drink, and other sales and services intended for the convenience of guests. The following are tourist habitation use types:

(a) Bed and Breakfast. Lodging services involving the provision of room and/or board in an existing dwelling with no more than eight bedrooms.

(b) Bed and Breakfast House. A hotel in what was built as a single-unit dwelling and which offers up to six bedrooms for transient guests. This definition is for historic reference for vacation rentals authorized prior to October 15, 2020.

(c) Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

(d) Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels and pay for stay arrangements in city residences (examples: Airbnb, Vrbo).

(e) Waterfront Heritage Bed and Breakfast. Lodging facilities in the WH zone in a dwelling with no more than eight bedrooms involving the provision of room and board.

(f) Waterfront Inn. Overnight lodging facilities in the WH zone with all units water-oriented. A restaurant and conference facilities may be included.

(g) Hostel. A property where four to 20 individuals may live for not more than 30 continuous days, exclusive of management staff who may reside on the property. If there are more than 20 persons at maximum occupancy, such a facility shall be considered a hotel or motel as defined in this chapter.

(h) Hotel/Motel. A building or portion thereof designed and used for transient lodging in a nonresidential zone, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment and personal services.

(i) Vacation Rental. A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.

(j) Homestay. A residential structure being rented for compensation for less than 30 days with owner~~/occupant~~ concurrent occupation or residence in another dwelling on the same property.

Tract – One or more contiguous lots or parcels under the same ownership.

U.

Units per acre – The number of dwelling units allowed on one acre. For example, a maximum of four units/acre would mean that no more than four dwelling units on one acre are allowed in a particular zone.

Unstable slopes – Those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit movement of earth.

Use – The purpose for which land or the premises of a building, structure, or facility thereon is or may be occupied, maintained, arranged, designed or intended.

Use, Cease of – Use shall be considered as ceased when the site and/or building is no longer used or available for occupancy by the specific use for 24 months. A building or site vacant while being continuously marketed, repaired, or otherwise similarly unavailable for use is not considered to be a cessation of use. A building or site that is occupied by a different use shall be considered as a cessation of the former use.

Use, Principal – The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, Start of – Use shall be considered as begun when the applicant has physically moved into the site or is in the process of physically moving into the site in preparation of beginning occupation and/or operation. Actual operation and/or business open to the public need not occur to consider a use as begun.

Use, Temporary – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Temporary uses do not involve the construction or alteration of any permanent structure.

Utilities easements – Rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

V.

W.

Water-dependent use – A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

Water-enjoyment use – A recreational or other use that facilitates public access to or enjoyment of the shoreline.

Water-related use – A use which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependent land or waterway use and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Water oriented use – A water-dependent, water-related, or water-enjoyment use.

X.

Y.

Yard – Open space on a lot which is unobstructed by a structure and measured between the property line and the nearest point at the outermost face of any vertical support, exterior wall line, or foundation of a building. May also be an area defined by required setbacks.

Yard, Front – A yard between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of the building.

Yard, Rear – A yard between side lot lines and measured horizontally at right angles to the rear yard line to the nearest point of the building.

Yard, Side – An open space between the front yard and rear yards measured horizontally and at right angles from the side lot line or street side lot line to the nearest point of a building.

Z.

Zero lot line development – A single-unit dwelling which has no yard requirements on one or more of the lot lines, in conformance with the International Building Code.

~~**Zone** – Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.~~

Zone or ~~zoning district~~zone district – Any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this title and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

Section C. The text of Chapter 17.210 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.210.010 Classification of districts.
For the purposes of this title, the city is divided into ~~zoning district~~zone districts designated as follows:

Comprehensive Plan Designation	Corresponding ~~Zoning~~ Zone District	Code Chapter
Residential	Low Density Residential (LDR) Small Lot Residential (SLR) Medium Density Residential (MDR)	CBDC 17.220 CBDC 17.220 CBDC 17.225
Commercial	Commercial and Mixed-Use Districts (C and MX) Industrial-Commercial (I-C) Waterfront Heritage (WH) Hollering Place (HP)	CBDC 17.230 CBDC 17.235 CBDC 17.240 CBDC 17.250
Industrial	~~Industrial-Commercial (I-C)~~ ~~Waterfront Heritage (WH)~~ Waterfront Industrial (W-I) ~~Hollering Place (HP)~~	~~CBDC 17.235~~ ~~CBDC 17.240~~ CBDC 17.245 ~~CBDC 17.250~~
~~Urban Public~~Quasi-Public	Urban Public (UP) Watershed (WS)	CBDC 17.255 CBDC 17.270
Medical Park ~~District~~	Medical Park District (MP)	CBDC 17.260
~~Urban Public~~	~~Watershed (WS)~~	~~CBDC 17.270~~

17.210.020 Zoning map.
(1) The location and boundaries of the ~~zoning district~~zone districts are shown on the map entitled, "Zoning Map of the City of Coos Bay," dated with the effective date of the ordinance codified in this title and signed by the mayor, and hereafter referred to as the "zoning map."

(2) The ~~signed~~ authorized copy of the city's zoning map shall be maintained on file with the city, and is made a part of this title.

(3) Revised Maps. The city council may, from time to time, direct the director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Zoning maps, or portions thereof, filed as replacements, shall be adopted by ordinance. Any revisions or replacements of said maps, when duly entered, signed, and filed with the city as authorized by this chapter, are part of this title.

17.210.030 District boundaries.
(1) Unless otherwise specified, district boundaries are lot lines or such lines extended to the center of an adjoining street.

(2) Any land or property not specifically identified with a zoning designation shall be considered to be zoned as the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.

(3) The director shall have the authority to interpret zoning classification consistent with subsections (1) and (2) of this section and shall ~~file~~ maintain a record of any and all written interpretations ~~with the city clerk's office~~.

Section D. The text of Chapter 17.220 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.220.010 Purpose.
The low density residential (LDR) and small lot residential (SLR) zone districts have been established to be consistent with the ~~Coos Bay Comprehensive Plan Land Use Plan 2000~~comprehensive plan and identify appropriate land uses and standards for low-density neighborhoods and neighborhoods with smaller lots.

17.220.020 Land uses and permit requirements.
Land uses and permit requirements are listed in Table 17.220.020. The table identifies those uses in the low density residential districts that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements for proposed developments and uses are found in Chapter 17.130 CBDC.

Table 17.220.020 – Land Uses and Permit Requirements

Use	SLR	LDR and LDR Overlay Zone
Residential Uses		
Dwelling, single-unit detached	P	
Dwelling, duplex	P	
Dwelling, manufactured homes including certified factory-built homes except recreational vehicles (subject to standards at CBDC 17.322.010)	P/~~S~~	
Dwelling, multi-unit (subject to standards at CBDC 17.335.120)	X	~~P~~/S LDR overlay zone only
Dwelling, townhouse (subject to standards at CBDC 17.335.110)	~~C~~/S	X
Accessory dwelling units (subject to standards at Chapter 17.312 CBDC)	S	
Family child care home	P	
Group care facilities (more than five)	C	
Foster care homes (five or fewer)	P	
Zero lot line development (subject to standards at CBDC 17.335.110)	~~C~~/S	~~C~~/S
Accessory Buildings and Uses		
Private garages and carports	P	
Accessory use or building on a separate lot or parcel (subject to standards at Chapter 17.314 CBDC)	S	
Greenhouses, gardens, and orchards for private, noncommercial propagation and culture of plants, fruits, and vegetables	P	
Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children's temporary wading pools shall not be located in front yards, and shall be set back at least three feet from all property lines.	P	
Covered patio, freestanding or attached	P	

Use	SLR	LDR and LDR Overlay Zone
Solar energy systems and structures solely designed to support solar energy systems	P	
Nonresidential Uses		
Art galleries and museums	C	
Vacation rental and homestays (subject to standards at Chapter 17.370 CBDC)	~~P~~/S	
Bed and breakfast	P	
Bus shelters	P	
~~Child care facility (13 or less children)~~	~~P~~	
~~Child care facility (14 or more children)~~	~~C~~	
Religious assembly – small (less than 16 persons)	P	
Religious assembly – large (over 16 persons)	C	
Community recreation	C	
Lodge, club, fraternal or civic assembly	C	X
Home occupations	P	
Occupied recreational vehicles except those authorized under CBMC 8.45.030	X	
Public utilities	C	
Educational services	P	
Telecommunications facilities	C	
All manufacturing and commercial uses or services, except permitted home occupations and day/adult care facilities	X	
Uses deemed by the director to be compatible with the LDR and SLR zone districts, adjacent land uses and state regulations.	P	

17.220.030 Development and lot standards.

(1) All developments within the SLR, LDR, and LDR Overlay ~~-~~zone districts shall comply with the density and dimensional requirements of Table 17.220.030, except as described in subsections (1)(a), (b) and (c) of this section.

(a) The maximum dwelling units per acre in Table 17.220.030 are not applicable to duplex dwellings.

(b) Accessory dwelling units are not subject to the density requirements of the zone.

(c) Density bonus for affordable housing as described in CBDC 17.335.140.

~~(2) Density Calculations.~~

~~(a) In calculating the minimum density required for a specific lot or development site, the director shall round down to the previous whole number.~~

~~(b) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number.~~

Table 17.220.030 – Development and Lot Standards

Standard	SLR	LDR-overlay zone	LDR
Minimum net dwelling units per acre	No minimum	No minimum	No minimum
Maximum net dwelling units per acre	12 units	16 units	10 units
Minimum lot size	2,250 s.f.	NA	4,500 s.f.
Maximum lot size	7,500 s.f.	NA	10,000 s.f.
Minimum lot width	40'	NA	40'
Lots for drainage facilities, parks, open space, wetlands and buffers, utilities	No minimum or maximum.		
Building height	35' ~~from lowest finished grade to highest point on the roof ridge.~~		
Lot coverage	65%		
Landscaping	~~20% of net lot area~~ See ~~Section~~CBDC 17.335.060 ~~CBDC.~~.		
~~Setbacks~~	~~See CBDC 17.335.130, Setbacks – Intrusions permitted~~		
Front yard setback to enclosed or semi-enclosed living area (including porches)	10' from property line		
Garage or carport setback	20' from property line. The setback may be reduced to 10' from a street or 5' 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.		
Minimum side yard – Interior lot	5' or 10% of lot width, whichever is less	NA	5' or 10% of lot width, whichever is less
Minimum rear yard	10'		10'
Minimum side yard – Street side corner lot	7'		
~~Setback to Coos Bay estuary~~	~~As specified in the Coos Bay estuary plan~~		
Setbacks for accessory buildings no greater than 120 s.f. or 8' in height at its highest point above site grade	Rear or side yards – as per CBMC Title 15. Front yard – building may be no closer than 20' from the front property line nor cause visual obstruction at driveways or intersections.		
Parking and loading	See Chapter 17.330 CBDC.		
Supplementary	See Chapter 17.335 CBDC.		

Section E. The text of Chapter 17.225 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.225.010 Purpose.
The medium density residential (MDR) zone district is intended to provide for residential development opportunities, including certified factory-built home parks~~s~~, with a minimum density of 10 units per net acre and a maximum density of 25 units per net acre. The district is further intended to facilitate use of public transit, reduce the burdens of automobile related problems, and encourage efficient use of commercial services and public open space.

17.225.020 Location.
Generally, the MDR ~~zoning~~zone district~~s~~ is ~~are~~ in close proximity to collector or arterial roadways, current or proposed transit routes, near employment centers, and with good access to local public schools and parks.

17.225.030 Land uses and permit requirements.
Land uses and permit requirements are listed in Table 17.225.030. The table identifies those uses in the medium density residential district that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements for proposed developments and uses are found in Chapter 17.130 CBDC.

Table 17.225.030 – Land Uses and Permit Requirements

Use	MDR
Residential	
~~Existing lawful residential use~~	~~P~~
Cottage cluster housing (subject to standards at Chapter 17.365 CBDC)	S
Dwelling, single-unit detached ~~(subject to standards at Chapter 17.365 CBDC)~~	~~S~~P
Dwelling, duplex	P
Dwelling, manufactured homes including certified factory-built homes except recreational vehicles (subject to standards at CBDC 17.322.010)	~~S~~P
Dwelling, multi-unit (subject to standards at CBDC 17.335.120)	S
Dwelling, townhouse (subject to standards at CBDC 17.335.110)	S
Certified factory-built home parks consistent with the requirements of state manufactured park standards (subject to standards at Chapter 17.322 CBDC)	S
Accessory dwelling units (subject to standards at Chapter 17.312 CBDC)	S
Family child care home	P
Group care and group residential care facilities	C
Accessory buildings and uses	P
Zero lot line development (subject to standards at CBDC 17.335.110)	S
Single room occupancy	~~S~~P

Use	MDR
Nonresidential	
Home occupation	P
~~Child care facility (fewer than 13 children)~~	~~P~~
Child care ~~facility (13 or more children)~~center	P
Vacation rental or homestay (subject to standards at Chapter 17.370 CBDC)	~~P/~~S
Bed and breakfast	P
Laundry facility (outward appearance must retain a residential character)	P
Bus shelters	P
Administrative service not associated with a home occupation permit	P
Convenience sales and personal service	C
Educational service	P
Home occupation – retail sales on the premises	P
Library service and cultural exhibit	P
Lodge, club, fraternal, or civic assembly	C
Public parks and recreational facilities	P
Public safety service	P
Religious assembly of more than 20 persons	C
Utility and service – no outside storage of equipment	P
Other	
Uses deemed by the director to be similar to and/or compatible with this table and state regulations	P
All manufacturing and commercial uses or services not listed determined by the director to be similar to or compatible with the permitted and conditionally permitted uses in the MDR zone.	P

17.225.040 Development and lot standards.

(1) All developments within the MDR ~~zoning~~ zone district shall comply with the density and dimensional requirements of Table 17.225.040, except as described in subsections (1)(a) and (b) of this section.

(a) The maximum dwelling units per acre in Table 17.225.040 are not applicable to duplex dwellings.

(b) Accessory dwelling units are not subject to the density requirements of the zone.

(c) Density bonus for affordable housing as described in CBDC 17.335.140.

~~(2) Density Calculations.~~

~~(a) In calculating the minimum density required for a specific lot or development site, the director shall round down to the previous whole number.~~

~~(b) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number.~~

Table 17.225.040 – Development and Lot Standards

Standard	Multi-Unit Dwellings	Single-Unit Dwellings	
		Attached	Detached
Minimum net density dwelling units per acre	10 units	10 units	10 units
Maximum net dwelling units per acre	25 units	25 units	25 units
Minimum lot width	40 feet	20 feet	40 feet
Minimum lot depth	60 feet	60 feet	60 feet
Minimum lot size	2,400 sf	1,200 sf	2,400 sf
Maximum lot coverage	85%	65%	65%
Landscaping	See CBDC 17.335.060.		
Maximum height	35 feet	35 feet	35 feet
Setbacks (see also CBDC 17.335.130, Setbacks – Intrusions permitted)			
Minimum front setback	10 feet, or 10% of lot depth, whichever is less	10 feet, or 10% of lot depth, whichever is less	10 feet, or 10% of lot depth, whichever is less
Minimum garage setback from public right-of-way	20 feet	20 feet	20 feet
Minimum side setback	0 feet for attached units, 5 feet to abutting property line	0 feet for attached units, 5 feet to abutting property line	5 feet or 10% of lot width, whichever is less
Minimum street side setback	10 feet or 20% lot width, whichever is less	10 feet or 20% lot width, whichever is less	10 feet or 20% lot width, whichever is less
Minimum rear setback	5 feet	5 feet	5 feet
Parking and loading	See Chapter 17.330 CBDC.		
Supplementary	See Chapter 17.335 CBDC.		

~~(3) Screening. Lots used for development of multi-unit dwellings abutting low density residential (LDR) districts shall employ a screening technique at the perimeter of the project as required in CBDC 17.335.060.~~

~~**17.225.050 Requirements of single-unit attached housing.**~~

~~A single-unit attached proposal shall meet the requirements of this section. Where a conflict exists between the development standards below and other applicable specific standards in the CBDC, the other specific standards shall apply.~~

~~(1) Notations on the plat and covenants running with the land, approved by the city attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.~~

~~(2) Prohibit single-unit attached housing in housing clusters greater than six units.~~

~~(3) Landscaping. Single-unit attached development projects may satisfy the minimum landscaping requirement by:~~

~~(a) Providing 200 square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit,~~

~~to be located in the rear or side yard of each individual lot; or~~
~~(b) Providing 200 square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit. [Ord. 540 § 6 (Exh. 1), 2021; Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

Section F. The text of Chapter 17.230 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.230.010 Purpose.

(1) The commercial (C) zone district is intended to provide for the regular shopping and service needs for the community and adjacent service areas. ~~Typical allowed uses include convenience food markets, beauty and barber shops, bakeries and service industries. These areas are held to a high standard of site plan review due to the close proximity of residential zones. Development activity shall meet, as applicable, the design guidelines contained in this code and ensure that there is safe, interconnected, and multimodal transportation access to and within development sites.~~

(2) The mixed-use (MX) zone district ~~requires mixed use developments~~is intended to provide the community with a mix of mutually supporting retail, service, office and medium- or high-density residential uses. ~~The zone is designed to promote cohesive site planning and design that integrates and interconnects two or more land uses into a development that is mutually supportive. It can provide incentives to develop a higher density, active, urban environment than generally would be found in a suburban community. This type of development is further expected to:~~

~~(a) Achieve the goals and objectives of the city's comprehensive plan and capital facilities plans;~~

~~(b) Enhance livability, environmental quality and economic vitality;~~

~~(c) Maximize efficient use of public facilities and services;~~

~~(d) Create a safe, attractive and convenient environment for a variety of uses including living, working, recreating and traveling by all transportation modes.~~

~~(3) Applicability.~~

~~(a) General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed use on the city's official zoning map.~~

~~(b) Interpretation. If the requirements of the mixed use district conflict with other regulations, the more stringent shall apply.~~

~~(4) Definitions. For the purposes of this section, the following definitions shall apply:~~

~~(a) "Mixed use development" shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary and/or mutually supporting uses (such as housing, offices, retail, public service or entertainment).~~

~~(b) "Net acre" means an acre of the developable portion of the site, which is derived from the total (gross) acreage of the site minus the area required to be, or voluntarily, set aside, as critical and environmentally sensitive lands and the corresponding buffers, public rights-of-way, road easements and any similar public facilities.~~

17.230.020 Land uses and permit requirements.

Land uses and permit requirements are listed in Table 17.230.020. The table identifies those uses in the commercial districts that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.230.020 – Land Uses and Permit Requirements

Use	C	MX
Residential		
Residential uses above the ground floor or story and up to 30% of ground floor or story[1]	P	
A single dwelling for a caretaker or night watchman that is secondary to a primary use	P	
~~Existing single-unit residential uses may be rebuilt if discontinued for a period of not less than 24 months~~	~~P~~	
~~Tourist habitation~~	~~P/S~~	
Single room occupancy	PS~~S~~	
Dwelling, single-unit and duplex on undeveloped lots of 15,000 square-feet or less	P	P
Dwelling, multi-unit (subject to standards at CBDC 17.335.120)	S	S
Family child care home	P	
Zero lot line development (subject to standards at CBDC 17.335.110)	S	
Retail Sales – Food		
Markets	P	C
Bakery	P	
Retail Sales – General		
General retailer	P	
Single purpose/specialty retailers	P	
Yard and garden supplies, including nurseries	P	X
Adult businesses (not including entertainment)	C	X
Retail Sales – Restaurants, Drinking Establishments		
Restaurants and drinking establishments, including outdoor dining, portable walk-up vendors (not including drive-through facilities) such as but not limited to espresso carts, and food stands, and other uses generally conducted outside in conjunction with a permitted commercial food and drink service use, unless otherwise prohibited by the CBMC or state law	P	
Drive-through, drive-in or drive-up facilities (subject to standards at CBDC 17.335.070)	S	
Retail Sales and Services – Automotive and Related Automotive and Equipment		
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.	C	X
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.	C	X
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.	P	
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.	X	
Manufactured home sales	P	X

Use	C	MX
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	P	C
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.	P	X
Commercial off-street parking facilities	P	C
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	P	X
Transportation Terminals		
Freight	C	X
People	P	
Retail Sales – Building Materials and Farm Equipment		
Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	P	X
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	P	C
Hardware, home repair and supply stores	P	C
Farm equipment and implement dealer	P	X
Hay, grain, and feed stores	P	X
Retail Sales – Products (Finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building.)	P	
Sales and Services – Personal		
Convenience sales and personal services – Establishments or places of business in existing buildings 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, bookstores, clothing and beauty shops, laundromat/dry cleaners, barbershops, art galleries and art studios. Convenience sales may be offered outdoors such as portable walk-up vendors (not including drive-through facilities) such as but not limited to flower stands and plant nurseries and other uses generally conducted outside in conjunction with a permitted personal and retail service commercial use, unless otherwise prohibited by the CBMC or state law.	P	
Personal services, general – 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.	P	
Funeral and interment services: undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals	P	
Marijuana retail sales subject to the requirements of CBDC 17.335.080	P	
Marijuana grow, processing and wholesale uses	X	X
Services – General		
Business support service – 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.	P	
Professional and administrative services – Offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.	P	
Building/property maintenance service – 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.	P	

Use	C	MX
Moving and storage (mini-storage)	C	X
Financial, insurance, and real estate services – 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.	P	
Event facilities	P	C
RV storage	P	C
Services – Tourist Habitation		
Tourist habitation ~~as defined in CBDC 17.150.020 (Definitions); with the exception of campgrounds as conditionally permitted in commercial land use districts as specified in this table.~~, except vacation rental and homestay	P	
Tourist habitation – vacation rental and homestay (subject to special standards ~~CBDC~~in Chapter 17.370 CBDC)	S	S
~~Campground~~ Tourist habitation – Campground ~~services involving but not limited to transient habitation areas for travelers in recreational vehicles or tents. Typical uses include park model and recreational vehicle parks.~~	C	X
Services – Medical and Health		
Hospitals	X	
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services	P	
Ambulance services	P	
Sanitaria, convalescent and rest homes	P	
Orthopedic equipment and supplies, rental, sales and services	P	
Services – Animal Sales and Services		
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.	X	
Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.	P	
Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.	C	X
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies	P	
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.	C	
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	C	X
Animal waste processing – The processing of animal waste and by-products, including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes	X	
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds	X	
Services – Amusement		
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings	C	
Theaters, indoor	P	
Drive-in theaters, stadium and arena facilities	C	

Use	C	MX
Participant sports and recreation: indoor – Those uses conducted within an enclosed building. Typical uses include bowling alleys, skating rinks (ice and/or roller), billiard/pool parlors, video arcades, swimming pools, physical fitness centers, or racquetball centers.	P	C
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.	P	C
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	C	X
Services – Educational		
Educational services	P	C
Child care ~~facilities~~center	P	
Libraries	P	
Artistic studios and schools including but not limited to dance, music and martial arts	P	
Public parks, parkways, recreation facilities, trails and related facilities	P	C
Public/private educational institutions	P	C
Outdoor events related to grand openings and similar special business events	P	
Services – Membership Organizations		
Business, professional and religious (not including churches)	P	
Civic, social, fraternal, charitable, labor and political	P	
Churches	P	
Distribution Facilities (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building.)		
Distribution facilities	C	X
Public Services and Facilities		
Buildings entirely dedicated to public services, such as City Hall, police and fire substations	P	
Sewer, water and utility transmission lines	P	C
Wireless communications facilities	~~P~~C	
Museums, historic and cultural exhibits and the like	P	
U.S. post offices	P	
Public transit facilities including park and ride facilities	P	
Bus shelters	P	
Accessory Uses and Activities		
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	X	
Drive-through or drive-up facilities	C	
Open Air Activities		
Open air display of plants and produce in conjunction with a permitted use	P	
Open air storage of materials	C	

Use	C	MX
Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	P	
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	P	C
Other Uses		
Temporary uses	P	
Solid waste handling and disposal sites	X	
Agricultural uses	X	
Other similar uses deemed by the director to be compatible with the C/MX zone districts and adjacent land uses.	Review type dependent upon size and intensity of use.	

[1] Within the Empire Area Blueprint study area, residential uses may occupy up to 100 percent of a building ground floor or story. Refer to Figure 17.330.010(C) for study area boundaries.

~~[Ord. 553 § 2, 2022; Ord. 551 § 3, 2022; Ord. 541 § 6 (Exh. 1), 2021; Ord. 532 § 2 (Att. B), 2020; Ord. 513 § 7 (Exh. 2), 2019; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.230.030 Development and lot standards.

(1) New lots and structures and additions to structures subject to this section shall comply with the density and dimensional requirements ~~with the applicable standards for lots and building height, and setbacks~~ in Table 17.230.030.

~~(2) Landscaping and Screening.~~

~~(a) Not less than 15 percent of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one-to-one ratio.~~

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

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

~~(3) Development Standards.~~

~~(a) Residential/Commercial. All residential or mixed residential/commercial areas shall comply with the density standards noted in Table 17.230.030.~~

~~(b) Lot Standards.~~

~~(i) All development applications shall comply with the applicable standards for lot area dimensions, building height, and setbacks in Table 17.230.030.~~

(~~ii~~ii) ~~Single-unit structures that are used for accessory~~Accessory structures for commercial use~~s shall use~~are subject to the single-unit ~~attached/~~detached development standards.

~~(iii) The maximum building height shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerials, and cupolas.~~

~~(iv) There shall be no setback restrictions in the commercial zone other than those imposed by the building code, except where the property abuts low density residential (LDR) zone district, unless otherwise noted.~~

Table 17.230.030 – Development and Lot Standards

~~(Landscaping standards found in CBDC 17.335.060)~~

Standard	Commercial	Mixed	Single-/Multi-unit dwelling	
			Attached	Detached
Dwelling Units Per Acre				
Minimum	N/A	No Minimum	12	12
Maximum	N/A	No Maximum	No Maximum	No Maximum
Minimum lot width	20 feet	20 feet	20 feet	30 feet
Minimum lot depth	60 feet	60 feet	60 feet	60 feet
Minimum lot area	5,000 square feet	5,000 square feet	1,200 square feet	2,400 square feet
Maximum lot area	N/A	N/A	N/A	15,000 square feet
Maximum lot coverage	85%	85%	65%	65%
Landscaping	See CBDC 17.335.060.			
Maximum height (see also CBDC 17.335.015, Exceeding height limits)	35 feet	35 feet	35 feet	35 feet
Setbacks (see also CBDC 17.335.130, Setbacks – Intrusions permitted)				
Minimum front setback	0 feet	~~10~~ 0 feet	10 feet	10 feet or 10% of the lot depth, whichever is less
Minimum garage setback from public street	20 feet	20 feet	20 feet	20 feet
Minimum garage setback from alley	20 feet	20 feet	20 feet	20 feet
Minimum side setback	0 feet or 10 feet abutting LDR zones	0 feet or 10 feet abutting LDR zones	0 feet attached, 5 feet to abutting properties	5 feet or 10% of the lot depth, whichever is less
Minimum street side setback	0 feet	0 feet	10 feet	10 feet or 20% of the lot width, whichever is less.
Minimum rear setback	0 feet, or 10 feet abutting LDR zones	0 feet, or 10 feet abutting LDR zones	5 feet	5 feet
Parking and loading	See Chapter 17.330 CBDC.			
Supplementary	See Chapter 17.335 CBDC.			

(c) Additional Site Planning Design Standards.

(i) ~~Commercial and Mixed Use~~New -Development.

(A) ~~Blank walls facing public streets are discouraged. Features providing visual interest such as~~Building walls facing public streets shall include two or more of the following features: windows (genuine, false, or display), artwork, varied building materials, relief panels, trim, balconies, ledges, or other similar techniques ~~shall be employed to enhance building facades facing public streets~~.

(B) ~~Rooflines~~ Buildings shall ~~be~~ have a minimum roof pitch of 4:12 ~~for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to:~~, unless two or more of the following architectural details are provided: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges, or overhangs ~~as approved by the director~~.

(C) ~~Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 50 square feet of rain protection~~A minimum of 50 square feet of rain protection shall be provided at the primary entrance of a building. This protection may use a single or combination of techniques such as awning, eave, alcove, airlock, recessed entry or porte-cochere.

(D) Finished surfaces on building elevations shall emphasize use of architectural grade natural building products. ~~such as w~~Wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials may be used to satisfy this requirement. Use of plywood, vinyl, plastic composites, fiberglass or similar ~~are prohibited unless otherwise permitted by the director~~materials are prohibited unless it can be shown that the material looks substantially the same as a natural building product.

(E) ~~A diverse use of color is encouraged to display individuality within the community.~~ Finished surfaces suitable for painting shall incorporate a color palette of at least two colors consisting of a base color and an accent (trim color). ~~Repetitive or predictable alternate color schemes are discouraged.~~

~~(F) Hardscaping (i.e., curb-to-facade sidewalks with pedestrian amenities) may be substituted in lieu of landscaping requirements subject to review and approval of the review authority~~Vegetated ~~stormwater treatment facilities, and pedestrian plazas may be used to satisfy landscaping requirements.~~

~~(ii) Multi-unit dwellings are subject to the standards at CBDC 17.335.120, Multi-unit dwelling standards.~~

(4) Special Limitations on Uses. All uses and developments in the C and MX zone district(s) ~~shall meet all of~~are subject to the following conditions:

(a) Odor, noise, emissions, vibration, heat and glare (except for exterior lighting) shall be controlled within the confines of the building or structure.

(b) No movement of heavy equipment on and off the site shall occur, except for truck deliveries and in the case of heavy equipment sales.

(c) No outdoor testing of products or processes shall take place on the site.

(d) No highly combustible, explosive, or hazardous materials or waste shall be permitted on site.

~~(e) Outdoor storage must be screened from public view.~~

Section G. The text of Chapter 17.235 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.235.010 Purpose.

It is the city's intent that, in accordance with the comprehensive plan, the industrial-commercial (I-C) zone district uses serve as an essential and vital economic base for the population of Coos Bay. This district provides suitable areas for a variety of industrial and commercial uses, including manufacturing, wholesale trade and distribution activities. This district also provides residential locations to support industrial and commercial uses.

The I-C~~I-C~~ zone district is intended to contain uses that will not generate excessive noise, pollution, vibration, smoke, dust, gas, fumes, odors, radiation and other violation characteristics. Conditional uses are those which may have some violation characteristics that may be mitigated and where such uses may be appropriately sited in Coos Bay. The I-C zone district is intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways.

17.235.020 Land uses and permit requirements.

Land uses and permit requirements are listed in Table 17.235.020. The table identifies those uses in the I-C zone district that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.235.020 – Land Uses and Permit Requirements

Use	I-C
Residential	
~~Mixed-use with residential~~Residential uses above the ground floor or story and up to 30 percent of ground floor or story ~~when secondary to commercial uses~~	P
A single dwelling for a caretaker or night watchman that is secondary to a primary use	P
~~Existing single-unit residential uses may be rebuilt if discontinued for a period of not less than 24 months~~	~~P~~
~~Tourist habitation~~	~~P~~
Dwelling, multi-unit (subject to standards at CBDC 17.335.120)	~~P~~/S
Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group residential homes, continuing care retirement facilities and similar uses of five or fewer persons	P
Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses of more than five persons	C
Homeless shelter	C
Single room occupancy	~~S~~P
Family child care home	P
Retail Sales – Food and Beverages	
Retail establishment selling food and/or beverages	P
Bakery	P
Retail Sales – General	
General retailer	P
Yard and garden supplies, including nurseries	P
Adult entertainment	P
Retail Sales – Restaurants, Drinking Establishments	
Eating and drinking establishments	P

Wineries, breweries and distilleries	P
Retail Sales and Services – Automotive and Equipment	
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.	P
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.	P
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.	P
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.	P
Manufactured home sales	P
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	P
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.	P
Commercial off-street parking facilities	P
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	P
Tire retreading and recapping	P
Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	C
Welding and machine shops	P
Transportation Terminals	
Freight	P
People	P
Distribution facilities	P
Bulk gasoline storage and fuel oil distributors	C
Retail Sales – Building Materials and Farm Equipment	
Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	P
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	P
Hardware, home repair and supply stores (over 100,000 square feet gross floor area)	P
Hardware, home repair and supply stores (10,000 to 100,000 square feet gross floor area)	P
Hardware, home repair and supply stores (under 10,000 square feet gross floor area)	P
Farm equipment and implement dealer	P
Hay, grain, and feed stores	P
Lumber yards, saw mills	C
Retail Sales – Products (finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building)	
Uses of less than 10,000 square feet gross floor area	P
Services – Personal	
Convenience sales and personal services – Establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.	P
Personal services, general – 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.	P
Funeral and Interment Services	
Undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals	P
Cemetery – Places primarily for the burial of human remains; may include crematory and interring services. Typical uses include mausoleums, columbariums, and crematoriums.	P

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.	P
Services – General	
Business support service – 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.	P
Professional and administrative services – Offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.	P
Building/property maintenance service – 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.	P
Moving and storage (mini-storage)	P
Financial, insurance, and real estate services – 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.	P
Event facilities (commercial recreation facilities enclosed and unenclosed and auditoriums and civic centers)	P
Art galleries, libraries and museums	P
RV storage	P
Services – Tourist Habitation	
~~Lodging – Lodging services involving the provision of room and/or board. Typical uses include hotels or motels.~~Tourist habitation, except vacation rental or homestay	P
~~Campground – Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.~~	~~P~~
Tourist habitation – Vacation rental or homestay (subject to standards at Chapter 17.370 CBDC)	S~~P~~
Services – Medical and Health	
Hospitals	P
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services	P
Ambulance services	P
Sanitaria, convalescent and rest homes	P
Orthopedic equipment and supplies, rental, sales and services	P
Research and scientific laboratories	P
Services – Animal Sales and Services	
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.	C
Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.	P
Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.	P
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies	P
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.	P
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	P
Animal waste processing – The processing of animal waste and by-products including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes	X
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds	X
Exterminators and pest control businesses	P
Services – Amusement	
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings	C
Theaters, indoor	P
Drive-in theaters, stadium and arena facilities	C

Participant sports and recreation: indoor – Those uses conducted within an enclosed building. Typical uses include bowling alleys, skating rinks (ice and/or roller), billiard/pool parlors, video arcades, swimming pools, physical fitness centers, or racquetball centers.	P
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.	P
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	C
Services – Educational	
Educational services	P
Child care ~~facilities~~center	P
Libraries	P
Public parks, parkways, recreation facilities, trails and related facilities	P
Services – Membership Organizations	
Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P
Civic, social, fraternal, charitable, labor and political	P
Religious assembly	P
Public Services and Facilities	
Buildings entirely dedicated to public services, such as City Hall, police and fire substations	P
Sewer, water and utility transmission lines	P
Wireless communications facilities	~~P~~C
Museums, historic and cultural exhibits and the like	P
U.S. post offices	P
Public transit facilities, including park and ride facilities	P
Bus shelters	P
Utilities and communication facilities, such as telephone exchanges, radio and television studios, electric substations and public television stations	P
Radio, television and cellular phone towers and antennas	P
Transportation, communication and utility facilities, not otherwise specifically permitted	P
Accessory Uses and Activities	
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	C
Drive-through or drive-up facilities (subject to standards at CBDC 17.335.070)	~~P~~/S
Accessory uses and structures which are incidental to one or more permitted principal uses in this zone	P
Open Air Activities	
Open air display of plants and produce in conjunction with a permitted use	P
Open air storage of materials	P
Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	P
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	P
Storage buildings and storage yards, for nonhazardous raw materials and finished products	P
Sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources	P
Manufacturing	
Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	P
Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	P
Marijuana-related businesses (subject to standards at CBDC 17.335.080)	P/S
Cold storage plants, frozen food lockers and ice manufacture	P
Asphalt plants	X
Fertilizer manufacture	X
Explosives manufacture and storage	X

Acid manufacture	X
Rubber manufacture	X
Other Uses	
Dry-cleaning plants	P
Solid waste handling and disposal sites	C
Temporary uses which may be approved by the director	P
Warehouses, wholesale and storage establishments, mail order houses and distribution facilities	P
Agricultural uses indoors	P
Agricultural uses outdoors	C
Conical burners and incinerators, including biomedical waste	X
Land fill	X
Paper and pulp mills	X
Recycling plants, including any processing facilities	X
All uses or services not listed, unless determined to be similar to a listed use	X
Other similar uses deemed by the director to be compatible with the I-C zone district and adjacent land uses	P

17.235.030 Development and lot standards.

Table 17.235.030 establishes density and dimensional requirements for ~~industrial-commercial districts~~the I-C zone district:

Table 17.235.030 – Development and Lot Standards

Standard	I-C
Dwelling Units per Acre	
~~Mixed-use with residential~~Multi-unit dwellings (mixed residential/nonresidential use)	No minimum, no maximum
Multi-unit dwellings (residential use only)	Minimum 12, no maximum
Minimum lot size	No requirements
Minimum lot frontage	No requirements
Minimum lot width	No requirements
Setbacks (see also CBDC 17.335.130, Setbacks – Intrusions permitted)	
Front and street side yard building setback	10 feet side yard setback if abutting residential zone
Side and rear yard building setback	10 feet if abutting residential zone
Minimum distance between principal buildings	As per CBMC Title 15
Maximum building coverage	As per CBMC Title 15
Maximum building height (see also CBDC 17.335.015, Exceeding height limits)	35'
Parking and loading	See Chapter 17.330 CBDC
Landscaping	See CBDC 17.335.060.~~As required in CBDC 17.335.060, 15 percent of lot area and other standards. Landscaping may include vegetated stormwater treatment facilities and/or pedestrian plazas no less than 100 square feet with a minimum lot size of 650 square feet. If a pedestrian plaza is proposed a minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paving material.~~
Supplementary~~Parking~~	See Chapter 17.335 CBDC~~See Chapter 17.330 CBDC~~

(1) Developments in the I-C zone district shall be designed and constructed in accordance with the following special standards:

(a) Building Design.

(i) Primary building entrances shall be physically oriented to the adjacent street or to a pedestrian pathway.

(ii) Design elements such as false or display windows, artwork, green wall space, or use of other varied building materials shall be incorporated into no less than 50 percent of the total surface area of a building facade that is visible from an adjacent residential zone or public right-of-way.

(b) Access.

(i) Sufficient right-of-way shall be dedicated to ensure space necessary for freight access, as determined by the street functional classification and right-of-way standards.

(ii) New development shall provide a shared access point to adjacent property, unless doing so results in an adverse traffic safety impact as evidenced by a transportation impact analysis consistent with CBMC 18.40.010.

(iii) New development located within 250 feet of an existing or proposed transit stop, as designated in a transportation or transit plan adopted by the city or Coos County Area Transit District, shall provide an easement or dedication for a passenger stop, including shelter, bench, and/or pullout, when such an improvement is identified in the adopted plan.

(iv) A hard-surfaced pedestrian circulation system no less than 5 feet in width shall be provided on-site to connect the public entrance(s) of each structure to the adjacent street(s). See, CBDC 17.335.090.

(A) Where the pedestrian circulation system crosses driveways, parking areas, and/or loading areas, the system must be clearly identifiable using elevation changes, speed bumps, varied paving materials, or other similar methods and be ADA compliant.

(2) General Limitations.

(a) The following uses and activities are prohibited:

(i) Service roads, spur tracks, and hard stands in a required setback that is adjacent to a residential zone.

(ii) Outdoor storage in floodways, on slopes greater than 15 percent, in parking stalls, in areas where traffic or pedestrian circulation would be impeded, in fire lanes, and in a required setback that is adjacent to a residential zone.

(iii) The outdoor storage of materials that attract animals, birds, or vermin.

(3) Administration.

(a) Compliance Verification. The applicant and/or owner shall furnish information sufficient to determine the degree of compliance with the standards in this section and, as condition of land use

or other permit approval, may be required to submit continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.

17.235.040 Industrial-commercial development standards.

Developments in the I-C zoning district shall be designed and constructed in accordance with the following standards:

(1) Shared access points with abutting or adjacent development shall be provided whenever practicable as determined by the director.

(2) Service Roads, Spur Tracks, Hard Stands, Outside Storage Area. No service road, hard stand or outside storage area, or similar use, shall be permitted within required setbacks adjoining residential districts.

(3) Fences and Walls. Sight-obscuring fencing or walls, visible from the public right-of-way, shall be screened with dense sight-obscuring plant materials.

(4) Site Landscaping and Design Plan. A landscaping and design plan shall be approved by the director prior to the issuance of a building permit, which review may be conducted concurrent with the processing of building permits. The following requirements shall apply:

(a) If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least 11 feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.

(b) Building facades facing public streets shall have 50 percent of the total surface area of the wall transparent.

(c) Private parking areas adjacent to city rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three feet; a combination thereof may be permitted at the discretion of the director.

(d) Primary building entrances shall be physically oriented to the street or to a pedestrian walkway with entry way features at a pedestrian scale.

(e) If a development is located within 250 feet of an existing or proposed transit stop, the applicant shall comply with transit authority requirements for a transit stop and/or shelter.

(f) All off-street parking areas shall be planted with a minimum of one deciduous tree for every six parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.

(g) Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live ground cover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.

(h) A minimum of 20 percent of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy the requirement.

(i) To qualify as a pedestrian plaza the following conditions must be met:

(i) Minimum Size. A minimum of 10 feet depth and width with a minimum size of 650 square feet.

(ii) Paving. A minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.

(iii) Structures and open spaces should be clustered on site to maximize the campus and open space qualities within the development.

(j) When security fencing is required, it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every 50 feet for a distance of at least five feet.

(5) Pedestrian Access Plan. An on-site pedestrian circulation system must be provided, which connects the street to the public entrances of the structure(s) on site.

(a) The circulation system shall be hard-surfaced and be at least five feet wide.

(b) Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).

(c) The on-site pedestrian circulation system and parking areas must have a minimum average illumination level of 10 lux (1.0 foot-candle). The uniformity ratio should be designed for 3:1 to provide adequate pedestrian lighting so that parking areas can be used safely when natural light is not present.

(6) Performance Standards.

(a) No land or structure shall be used or occupied within this district unless the activity complies with the following minimum performance standards:

(i) Maximum permissible 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.
(ii) Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.
(iii) Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.
(iv) Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.
(v) Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from violation and glare.
(b) Administration. As a condition for the granting of a building permit and/or site plan approval, at the request of the responsible official, the applicant shall furnish information sufficient to determine the degree of compliance with the standards in this section. Such request may include submission of continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.
(7) Light and Glare Standards.
(a) Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
(b) Exterior lighting shall be shielded and directed away from lots in adjacent uses.
(c) Interior lighting in parking structures shall be shielded to minimize nighttime glare affecting lots in adjacent uses.
(d) When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.
(8) Outdoor Storage Standards.
(a) All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way. Storage areas which adjoin residential districts or in areas where differences in elevation defeat the purpose of this requirement shall be screened with a fence which shall be placed on top of a berm in order to effectively screen the use.
(b) Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
(c) Outdoor storage is prohibited as follows:
(i) In floodways;
(ii) On slopes greater than 15 percent;
(iii) In parking stalls;
(iv) In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five-foot-wide walkway does not remain clear and free of obstructions;
(v) Any materials that attract animals, birds or vermin; and
(vi) In fire lanes.
(d) The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.
(9) Vibration. Site-generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any property line of the property on which a use or structure is located. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.
(10) Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunications Act of 1996 or its successor.
(11) Sufficient right-of-way shall be dedicated to ensure space necessary for freight access, as determined by the street functional classification and right-of-way standards in CBMC 18.15.010(2), Table 3-1. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 532 § 2 (Att. B), 2020; Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Section H. The text of Chapter 17.240 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.240.010 Purpose.
The waterfront heritage ~~district~~ (WH) zone district was established on May 1, 2001 ~~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~~3) To provide for a mix of existing and new, water-dependent/related and non-water-dependent/related uses and improvements ~~that include:~~

~~(a) Existing waterfront industrial uses;~~

~~(b) New water-oriented, water-related and non-water-related service businesses;~~with emphasis on the provision of

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

~~(d) Urban residential opportunities; and~~

~~(e) Non-water-dependent industrial uses.~~.

(~~5~~4) 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~~redeveloping Front Street as a vital commercial area.

(~~6~~5) To promote physical, cultural, and commercial links among Front Street, the boardwalk, and the downtown core area.

(~~7~~6) To ensure that there is safe, interconnected, and multimodal transportation access to and within ~~development sites~~the WH zone district with emphasis on access to the waterfront.

(~~8~~7) To accommodate pedestrian connectivity to and along the Coos Bay waterfront.

17.240.020 Waterfront heritage district ~~zoning~~ subdistricts.
The WH zone 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 (North Bayshore) to the west, Ivy Avenue to the north and the Coos Bay waterway to the east.

~~**17.240.030 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 17.240.055. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

~~**17.240.040 Conditional uses.**~~

~~The following uses are permitted in the WH district if authorized in accordance with the provisions of Chapter 17.347 CBDC, Conditional Uses:~~

~~(1) Civic use types as defined in Chapter 17.150 CBDC.~~

~~(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) Horticulture use types as defined in Chapter 17.150 CBDC. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

~~**17.240.050 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.~~

~~(f) All marijuana related businesses. [Ord. 553 § 3, 2022; Ord. 550 § 1, 2022; Ord. 541 § 6 (Exh. 1), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.240.~~055~~030 Land uses and permit requirements.

Land uses and permit requirements are listed in Table 17.240.~~055~~030. The table identifies those uses in the ~~waterfront heritage~~WH zone district ~~-~~that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited use.

The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.240.~~055~~ 030 – Land Uses and Permit Requirements

~~[Ord. 553 § 4, 2022; Ord. 550 § 2, 2022; Ord. 541 § 6 (Exh. 1), 2021].~~

Use	WH
Residential Uses	
Dwelling, Single/Duplex/Multi-Unit above the ground floor or story and up to 30% of ground floor or story	P
Dwelling, Townhouse (subject to standards at CBDC 17.335.110), except in WH-1 core area	S
Family child care home	P
Civic Uses	
Administrative service	P
Community recreation	P
Library service and cultural exhibit	P
Lodge, club, fraternal or civic assembly – Small and large	P
Public safety service	P
Visitor information center	P
Civic use, other	C
Commercial Uses	
Automobile and equipment – Cleaning, fleet storage, repairs, sales/rental, storage of nonoperating vehicles	X
Building/property maintenance service	X
Business support service	P
Business equipment sales and service	C
Child care center	P
Clinic	P
Convenience sales and personal services	P
Retail food establishment	P
Farmer's market/fish market	P
Financial, insurance and real estate services	P
Galleries	P
Horticulture	C
Market place retail sales	P
Parking services – Prohibited east of Front Street, except in the WH-3 subdistrict	P
Participant sports and recreation – Indoor and outdoor	P
Personal services – General	P
Postal service	P
Professional and administrative services	P
Retail sales – General (less than 10,000 sq. ft. building)	P
Service station – Marine and EV charging	P

Use	WH
Service station – Motor vehicle	X
Spectator sports and entertainment – Indoor and outdoor	P
Tourist habitation – Waterfront heritage bed and breakfast	P
Tourist habitation – Waterfront inn	C
Transportation service – Rail and marine only	P
Watercraft sales/rentals	P
All marijuana related businesses	X
Industrial uses	
Agriculture	X
Manufacturing – General, only in the WH-3 subdistrict	C
Manufacturing – Limited, with on-site retail sales of finished products	P
Other uses	
Other similar uses deemed by the director to be compatible with the WH district and adjacent land uses	P

~~**17.240.060 Preexisting uses.**~~

~~Notwithstanding Chapter 17.328 CBDC, Nonconforming Uses, 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 CBDC 17.240.070, Property development requirements, which includes design review standards. However, additional or different uses, not permitted by the WH district, are not allowed.~~

~~(2) Discontinuation. If a preexisting non-water-dependent or water-related use is discontinued for a period of 12 consecutive months, the use shall not be reestablished. 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 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 director may be appealed to the planning commission pursuant to Chapter 17.130 CBDC, Procedures.~~

~~(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. 541 § 6 (Exh. 1), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.240.~~070~~040 Development and lot standards.

Table 17.240.070 establishes density and dimensional requirements for the WH zone district.

Table 17.240.070 – Development and lot standards

Standard	WH
Dwelling Units per Acre	No minimum, no maximum

Minimum lot size	2,000 square feet		
Minimum lot width	25 feet		
Maximum lot coverage	No restrictions		
Setbacks (see also CBDC 17.335.130, Setbacks – Intrusions permitted)	No restrictions		
Minimum distance between principal buildings	As per CBMC Title 15.		
Maximum building height (see also CBDC 17.335.015, Exceeding height limits)	**WH-1**	**WH-2**	**WH-3**
	Three stories or 35 feet, whichever is lower		Four stories or 60 feet, whichever is lower
Parking and loading	See Chapter 17.330 CBDC.		
Landscaping	See CBDC 17.335.060.		
Supplementary	See Chapter 17.335 CBDC.		

(1) Developments in the WH zone district shall be designed and constructed in accordance with the following standards:

(a) Building Design.

(i) Primary entrances shall be physically oriented to the adjacent street or to a pedestrian pathway.

(ii) Buildings designed for residential and commercial use shall incorporate windows, outdoor seating areas, or other similar amenities to provide occupants with a view of the water.

(b) Trip Analysis.

There is an 8,000 Average Daily Traffic (ADT) limitation for the area comprised of the WH-3 subdistrict and the portion of WH-1 and WH-2 subdistricts lying east of Front Street. This limitation shall only be removed or modified in accordance with OAR 660-012-0060.

~~(i) No new curb openings onto Front Street and North Bayshore Drive shall be permitted, unless a design exception is authorized in accordance with CBMC 18.10.060.~~

(c) Manufacturing. All manufacturing must be conducted solely within enclosed buildings.

~~(c) Screening.~~

~~(i) Fences and walls. Different textures, colors, or materials (including landscape materials) shall be used along the length of a fence or wall visible from adjacent streets to break up the fence or wall surface.~~

~~(ii) Outdoor storage and equipment. Outdoor storage, trash receptacles, mechanical equipment, communications equipment, utility vaults, and other similar equipment shall be screened in a manner so that they are not visible from adjacent streets, pedestrian pathways, or the water.~~

~~(iii) Manufacturing. All manufacturing must be conducted solely within enclosed buildings.~~

~~(d) Landscaping.~~

~~(i) As required in CBDC 17.335.060.~~

~~(2) No land or structure shall be used or occupied within the WH zone district unless the use or activity complies with the following minimum performance standards:~~

~~(a) Emissions.~~

~~(i) Noise. Maximum permissible noise levels for a use or activity are those established by the Oregon Department of Environmental Quality pursuant to OAR 340-035-0035. Written documentation evidencing compliance with this standard may be required.~~

~~(ii) Vibration. Site-generated vibrations that are perceptible by a person of ordinary sensitivity, without instruments, beyond any point of the property line, except vibrations from temporary construction activities and vehicles leaving the property (such as trucks, trains, airplanes, and helicopters), are prohibited.~~

~~(iii) Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality. The emission of noxious gas or matter in such quantities as to be readily detectable at any point beyond the property line is prohibited.~~

~~(iv) Light, Heat, and Glare.~~

(A) Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
(B) Exterior lighting, including interior lighting in parking structures, shall be shielded and directed away from adjacent property.
(C) Lighting levels shall be consistent with CBDC 17.335.040.
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 are 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.
(iii) Row houses are exempt from the standards in this subsection in the WH-2 and WH-3 zoning subdistricts.
(2) All development shall demonstrate compliance with this chapter. 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.
(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 director or designee. The proposed colors must be from, or similar to, the historical color palette, located in the community development 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.

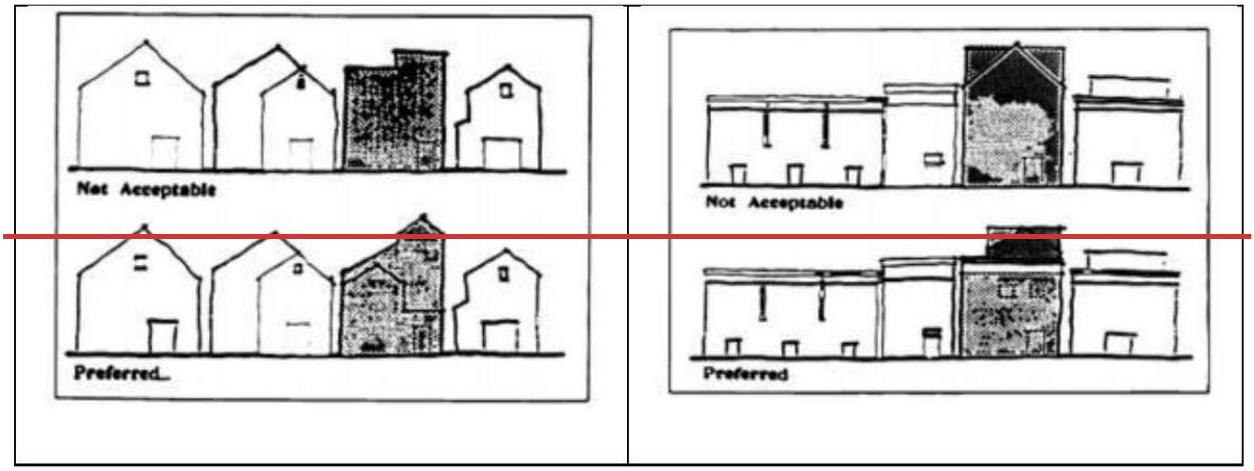
(a) WH-1 and WH-2 Zoning Subdistricts. Off-street parking is not required except in WH-2 for the conditionally permitted use, tourist habitation – waterfront inn. All off-street parking, if provided, shall be on the interiors of lots or behind buildings, to the maximum extent practicable and in accordance with Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements. 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 17.330 CBDC, Off-Street Parking and Loading Requirements.
(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, communications, street lighting and cable television, shall be placed underground for new construction or major remodeling. The director may waive the requirements if topographical, soil or other conditions make such underground installation or screening of aboveground 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) All development shall provide adequately sized trash receptacles, screened from public view.
(13) 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 cooperate 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 CBDC 17.240.080, Architectural design.
(b) WH-2 and WH-3 Zoning Subdistricts. Public access to the waterfront shall be encouraged.
(14) 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.
(15) Trip Analysis. For the purposes of this section, a "trip analysis" is a study or report consistent with methods described in CBMC 18.40.010.
(a) Prior to approval of 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) The applicant must complete a trip analysis for development or re-development of 20 or more residential units or 20,000 square feet or more of commercial or industrial development or as required by the director. The trip analysis must conform to the methods described within CBMC 18.40.010.
(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.
(16) For non-water-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 (16)(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) Maximum permissible 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.
(ii) Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.
(iii) Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.
(iv) Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.
(v) Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from glare.
(17) Land to accommodate the planned Coos Waterfront Walkway alignment, as shown in Figure 12 of the TSP and described in the Tier 2 TSP Project List, shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the city, or easements dedicated through development approval. Minimum boardwalk right-of-way width shall be 14 feet. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 526 § 5 (Exh. D), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.080 Architectural design.

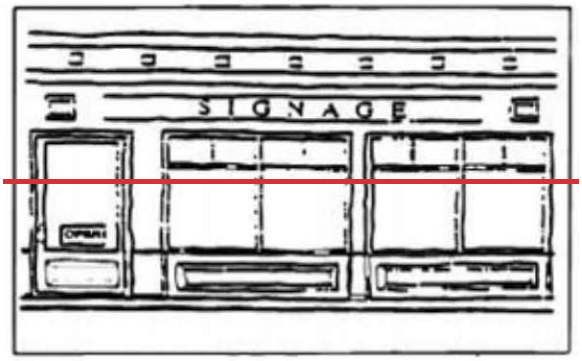
(1) Intent. The intent of the architectural design review goals and standards is to ensure that proposals for construction of new structures and for major remodeling of existing structures evoke the appearance of the prevailing architectural styles of the buildings in the WH district as they might have 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 community development department.
(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 authority 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 are met 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 are met 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.
(iii) 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 standards are met:
(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.



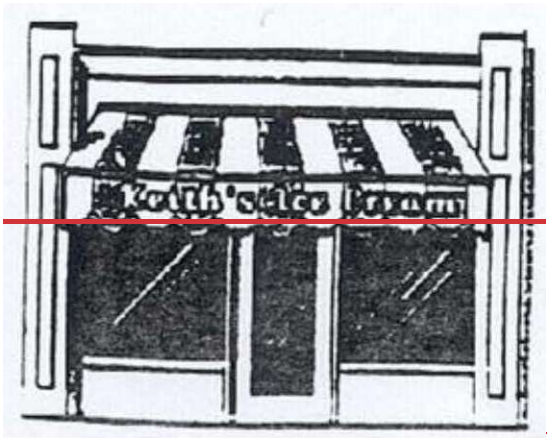
(iv) The front elevation of large structures should be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the front elevation should be divided into distinct areas by:
(A) Creating a bay window or other building extension of at least one 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.~~
~~(viii) Decorative features such as cupolas, cresting, chimneys, barge (rake), and soffit/fascia trim are encouraged if keeping with the architectural style.~~
~~(ix) Light fixtures should be integrated with architectural elements.~~
~~(A) Decorative light fixtures that are in keeping with the historic styles are encouraged.~~
~~(B) 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 design assistance team (DAT) based on the standards set forth below. A sign permit is also required which will be reviewed by staff pursuant to the provisions in Chapter 17.333 CBDC, Signs. If the provisions conflict, the stricter shall apply.~~
~~(a) Design for signs should emulate signage that existed during the designated historic period, and be consistent with the character of the storefront, the building on which they are situated and the area as a whole. Review for consistency includes, but is not limited to, evaluation of size, shape, position, materials and illumination in relationship to the facade and abutting and adjacent structures.~~
~~(b) Signs on a business front are limited to a building sign on each building face (identifying the building name), a sign for each business entry (vehicular or pedestrian), and interior painting of street-front windows.~~
~~(c) Signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot. Signs shall not be closer than two feet to any curbline. A projecting sign shall not project more than eight feet beyond the property line.~~
~~(d) All signs shall:~~
~~(i) Be of an appropriate size and design;~~
~~(ii) Be sited sympathetically on the building;~~
~~(iii) Not obscure or remove detailing on the building;~~
~~(iv) Be designed as part of the building and not treated as an unrelated addition; and~~
~~(v) Be related to the style and character of the building and general area.~~
~~(e) Allowed Sign Types.~~
~~(i) "Wall/fascia sign" means a sign placed on the vertical surface of a wall or fascia where the wall or fascia is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.~~



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

~~(iii) "Awning sign" means a structure made of fabric or similar material with a painted metal frame which is attached to a building and projects over a public walkway. An awning shall have no soffits, plastic components or internal lighting. Plastic awning fabrics are prohibited. Advertising material attached to an awning is an awning sign.~~



~~(iv) "Marquee sign" means either a fascia sign, projecting sign or awning sign which contains movable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.~~

~~(v) Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed up to 45 days without approval of a sign permit.~~

~~(vi) Miscellaneous. Sign types not otherwise listed which comply with the requirements of this subsection may be allowed upon approval by the review authority upon recommendation of the DAT.~~

~~(vii) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current is prohibited, except property abutting North Bayshore Dr. (U.S. Highway 101) where signage would be allowed if placed within 10 feet of the west property line.~~

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

~~(ix) Off-premises signs are prohibited.~~

~~(x) Readerboard signs are prohibited, except for properties abutting North Bayshore Dr. (U.S. Highway 101) and properties on North Front Street from Fir Ave. to Ivy Ave. if the readerboard sign is placed within 10 feet of the west property line. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 532 § 2 (Att. B), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

Section I. The text of Chapter 17.245 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.245.010 Intent.
The waterfront industrial (W-I) zone 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.

17.245.020 Uses.
The uses, which are permitted, conditional, or prohibited, shall be regulated by the Coos Bay estuary management plan.

17.245.030 ~~Property development requirements~~Development and lot standards.
~~(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.~~There are no restrictions on development and lot standards in the W-I zone district, except for the following:

(1) See Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements.

(2) See Chapter 17.335 CBDC, Supplementary Development Standards.

(3) See Chapter 17.352 CBDC, Estuarine and Coastal Shoreland Uses and Activities.

~~(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) By Products. 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 the director determines that the proposed use might violate these standards or if a valid complaint has been registered about the possible pollution, the director may require the owner or agent to show written compliance with state regulations.~~
~~(9) Noise. Maximum permissible 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.~~
~~(10) Pedestrian Circulation. Pedestrian connectivity to and along the waterfront shall be provided throughout the project pursuant to CBDC 17.330.030 and 17.335.090. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

Section J. The text of Chapter 17.255 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.255.010 Purpose.
The urban public (UP) zone district is intended to accommodate public services and ancillary uses to accommodate residents and long-term visitors.

17.255.020 Land uses and permit requirements.
The permitted uses in the UP zone district include public facilities, public parks, playgrounds, open spaces, cemeteries, and natural resource preservation or enhancement, subject to the applicable provisions of this and other applicable provisions of this title.

Land uses and permit requirements are listed in Table 17.255.020. The table identifies those uses in the ~~urban public~~UP zone district that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.255.020 – Land Uses and Permit Requirements

Residential	
A single-unit dwelling in conjunction with a permitted use	P
Single room occupancy	S
Family child care home	P
Civic Use Types	
Community facilities including but not limited to libraries and recreation facilities	P
Parking service	P
Government offices and related uses	P
Bus shelter	P
Educational services and related buildings	P
Commercial Use Types	
Funeral and interment services – Cemetery	P
Dining establishments, only in conjunction with a permitted use	P
Other Uses	
Park model parks (subject to standards at CBDC 17.322.040)	C/S
Child care center	P
~~Single room occupancy~~	~~S~~

Other uses and development deemed by the director to be similar to and/or compatible with this table, the CBDC and state regulations	P
Uses Expressly Prohibited	
All nonrelated uses	X
All marijuana related businesses	X

17.255.030 Development standards.

(1) ~~The development standards specified in Table 17.225.030 shall apply to land uses and structures in the UP district, unless otherwise specified for specific land uses noted in Table 17.255.020:~~Table 17.255.030 establishes density and dimensional requirements for the UP zone district.

Table 17.255.030 – Development and Lot Standards

Standard	
Density	Maximum 12 dua per gross acre
Minimum lot width	20 feet
Minimum lot depth	60 feet
Maximum lot coverage	75%
Maximum height	35 feet, not to exceed three stories
Minimum front setback	10 feet
Minimum rear setback	10 feet 20 feet abutting residential zone
Minimum side setback	0 feet but 10 feet abutting residential zones
Minimum street side setback	10 feet
Minimum rear setback	0 feet, or 10 feet abutting LDR zones
Parking and loading	See Chapter 17.330 CBDC.
Landscaping	See CBDC 17.335.060.
Supplementary	See Chapter 17.335 CBDC.

(2) Additional Development Standards.

(a) Features providing visual interest such as but not limited to windows, artwork, varied building materials, relief panels, trim, balconies, ledges or other techniques shall be used to provide visual interest to all building facades.

(b) Rooflines shall be a minimum of 4:12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the director.

(c) Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 50 square feet of rain protection. This protection may use a single or combination of techniques such as awning, eave, alcove, airlock, recessed entry or porte-cochere.

(d) Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited.

(e) A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are prohibited.

~~(f) Hardscaping (i.e., curb-to-facade sidewalks with pedestrian amenities) may be substituted in lieu of landscaping requirements subject to review and approval of the review authority.~~

~~(g) Outdoor storage must be screened from public view.~~

(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 nonaquatic 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.

Section K. The text of Chapter 17.260 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.260.010 Purpose.
The medical park (MP) zone district is designed to achieve the following city objectives:

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

(2) Provide space for semipublic facilities needed to complement medical facilities.

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

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

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

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

(7) Control the encroachment of medically related facilities into established or intended residential areas.

17.260.020 Land uses and permit requirements.
Land uses and permit requirements are listed in Table 17.260.020. Where a specific use is not listed in the table, the director shall determine the most appropriate similar use in the table. The table identifies those uses in the MP zone district that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.260.020 – Land Uses and Permit Requirements

Use	MP
Nonresidental	
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services	P
Ambulance services	C
Sanitaria, convalescent and rest homes	C
Child care center	P
Other similar uses deemed by the director to be compatible with the MP district and adjacent land uses.	C
All marijuana related businesses	X

Use	MP
Residential	
Group residential care facility	P
Dwelling, multi-unit (subject to standards at CBDC 17.335.120)	S
Dwelling, single-unit	P
Family child care home	P
Civic	
Bus shelters	C
Other similar uses deemed by the director to be compatible with another use in the MP district and adjacent land uses	P

17.260.030 Development and lot standards.

Development and lot standards for uses specified in Table 17.260.020 are identified in Table 17.260.030.

Table 17.260.030 – Development and Lot Standards

Standard	Nonresidential	Multi-Unit Dwellings	Single-Unit Dwellings	
			Attached	Detached
Dwelling units per gross area	No minimum and no maximum as a part of a mixed residential/nonresidential development~~use project~~. ~~Noncommercial~~ Nonresidential uses must comprise a minimum of 30% of the lot coverage.	Maximum 12 dua	Maximum 10 dua	Maximum 10 dua
Minimum lot width	NA	40 feet	20 feet	40 feet
Minimum lot depth	NA	60 feet	60 feet	60 feet
Minimum lot size	NA	3,360 sf	4,300 sf	4,300 sf
Maximum lot coverage	50%	50%	50%	50%
Maximum height	35' and not greater than three stories			
Setbacks (see also CBDC 17.335.130, Setbacks – Intrusions permitted)				
Minimum front setback	As required by the building code	10 feet, or 10% of lot depth, whichever is less	10 feet, or 10% of lot depth, whichever is less	10 feet, or 10% of lot depth, whichever is less
Minimum garage setback from public right-of-way	20 feet	20 feet	20 feet	20 feet
Parking location	To the rear of the subject project	NA	NA	NA
Minimum side setback	As required by the building code	No setback to attached units, 5 feet to abutting property line	No setback for attached units, 5 feet to abutting property line	5 feet or 10% of lot width, whichever is less
Minimum street side setback	10 feet or 20% lot width, whichever is less	10 feet or 20% lot width, whichever is less	10 feet or 20% lot width, whichever is less	10 feet or 20% lot width, whichever is less.
Minimum rear setback	As required by the building code	5 feet	5 feet	5 feet
Landscaping and screening	~~Except for solar panels, roof mounted equipment will be screened from view.~~See CBDC 17.335.060.			
~~Storage and trash placement~~	~~All storage and trash shall be screened from public view.~~			
Parking and Loading	~~As specified in~~See Chapter 17.330 CBDC.			
Supplementary	See Chapter 17.335 CBDC.			

17.260.040 Uses expressly prohibited.
Repealed by Ord. 511.

Section L. The title of Chapter 17.310 CBDC is amended to read as follows (new text / ~~deleted~~ text):

LAND DIVISION GENERAL PROVISIONS

Section M. A new Section 17.310.060 is added to Chapter 17.310 CBDC to read as follows (new text / ~~deleted~~ text):

17.310.060 Revisions to approved plats recorded and nonrecorded.

The developer shall file the final partition or subdivision plat and attached documents for recording with the Coos County assessor and a copy of the recorded document to the city of Coos Bay within 60 days. No person or body may change a final plat in any respect except through the appropriate post-decision approval process or plat amendment process and as approved by the director.

Section N. The text of Chapter 17.312 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.312.010 Purpose.
~~ORS 197.312~~State law requires that at least one accessory dwelling unit be allowed per detached single-unit dwelling or duplex dwelling in every zone district within an urban growth boundary that allows detached single-unit dwellings. Accessory dwelling units are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. Accessory dwelling units provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-unit detached dwellings. Accessory dwelling units may be used as long-term housing rentals (no less than 30 days per month and not a vacation rental) or as a property owner's residence.

17.312.020 Definition.
Repealed by Ord. 540.

17.312.030 Use and general restrictions.
An accessory dwelling unit, where allowed, is exempt from the land use process, pursuant to CBDC 17.130.030, except as per CBDC 17.312.040 where an accessory dwelling unit is subject to review and approval through a Type I procedure, pursuant to Chapter 17.130 CBDC.

(1) All accessory dwelling units shall conform to the following restrictions:

(~~1~~a) One accessory dwelling is allowed per legal lot of record containing a detached single-unit or duplex dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor), a certified factory-built home excepting a recreational vehicle, or a tiny home subject to the requirements of CBDC 17.312.040(1)(h);

(~~2~~b) The accessory dwelling unit may not be used as vacation rental;

(~~3~~c) Construction of an accessory dwelling unit must meet the minimum standards of the current state residential specialty code or the requirements of CBDC 17.312.040(1)(h);

(~~4~~d) A separate address shall be assigned to the accessory dwelling unit and the address shall be clearly identified, as required by state building code; and

(~~5~~e) A deed restriction must be recorded with the property advising future owners and lenders of the use restrictions. The deed restriction document will be created by the city and recorded at the county clerk's office.

17.312.040 Development and design standards.
(1) Development Standards. The development standards shall be applicable to all accessory dwelling units. An accessory dwelling unit is subject to the applicable development standards and general review pursuant to CBDC 17.130.030.

(a) A detached accessory dwelling unit shall not exceed 1,000 square feet of floor area, or 90 percent of the primary dwelling's total floor area, whichever is smaller.

(b) An attached or interior accessory dwelling unit shall not exceed 1,000 square feet of floor area, or 90 percent of the primary dwelling's total floor area, whichever is smaller. However, an accessory dwelling unit that results from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling unit would be more than 1,000 square feet.

(c) Accessory dwelling units shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the designated ~~zoning district~~zone district, except that conversion of an existing legal nonconforming structure to an accessory dwelling is allowed; provided, that the conversion does not increase the nonconformity.

(d) Accessory dwelling units are not subject to the density requirements of the zone.

(e) Accessory dwelling units shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.

(f) Accessory dwelling units are not subject to the off-street parking requirements of CBDC 17.330.010.

(g) Structures detached from the primary home on a residential lot may be converted to an accessory dwelling unit if the structure meets the standards and requirements of the building code, this title's setback requirements and does not eliminate an existing functional garage.

(h) A permanent tiny home may be attached to an approved foundation subject to the Oregon Residential Specialty Code (ORSC) and Oregon Fire Code or U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards.

(i) A certified factory-built home used as an accessory dwelling unit and otherwise consistent with subsections (1)(a) through (h) of this section, as applicable, shall also be subject to the standards at CBDC 17.322.010.

(2) Design Standards for Historic Properties. The design standards shall be applicable only to those accessory dwelling units that are on lots that include a building listed on the National Register of Historic Places, lots that are within a historic ~~zoning district~~zone district, or a historic property that receives special assessment under Oregon law. An accessory dwelling unit, subject to both the development and design standards, is subject to review and approval through a Type I procedure, pursuant to CBDC 17.130.080.

(a) An accessory dwelling unit, located in a historic district, must comply with the historic district regulations.

(b) An accessory dwelling unit located on the same lot as a structure listed on the National Register of Historic Places or listed as a cultural resource will be held to a high development standard, in that the exterior must be compatible with the primary structure.

(c) The exterior finish and trim materials of a detached accessory dwelling unit shall be similar to the primary dwelling unit in terms of type, size, placement, and finish.

(d) The roof pitch of a detached accessory dwelling unit shall be similar to the roof pitch of the primary dwelling.

Section O. The text of Subsubsection (b) of Subsection (1) of Section 17.314.010 is amended to read as follows (new text / ~~deleted~~ text):

The neighboring lot or parcel is within the same ~~zoning~~ zone district as the principal property; and

Section P. The text of Chapter 17.322 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.322.~~005~~010 Purpose.
This chapter ~~articulates~~ sets forth standards for manufactured home, recreational vehicle, ~~parks~~ and park model parks to provide affordable and safe shelter.

~~**17.322.010 Manufactured homes on existing lots of record.**~~
~~(1) Development Standards.~~
~~(a) Siting Requirements. The home shall be enclosed at the perimeter with a solid material approved by the building official compatible with the manufactured home and surrounding stick-built homes. The material will extend from the bottom of the excavated area to the underside of the manufactured home. The required material must be trimmed at the meeting with the home to approximate the appearance of a foundation for a conventional single-dwelling dwelling.~~
~~(b) Roof. The manufactured home must have a sloping roof with a minimum pitch of three feet in height for each 12 feet in width (3:12).~~
~~(c) Siding. The manufactured home must have conventional wood or textured siding material.~~
~~(d) State of Oregon Requirement Compliance. A manufactured home must comply with all state of Oregon requirements. [Ord. 541 § 6 (Exh. 1), 2021].~~

17.322.020 Manufactured home parks.
(1) Existing Parks. All extensions or improvements made to existing residential certified manufactured home parks made after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(2) New Parks. All manufactured home parks proposed and developed after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(3) Development Standards.

(a) Minimum park area: one acre.

(b) Unit density: as specified in the underlying zone.

(c) Separation. Building separation in a mobile home park for each mobile home and its accessory structures 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.

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

(e) Parking as specified in CBDC 17.330.070.

(f) Access and Roads.

(i) Dedicate and improve vehicular and pedestrian access to the park from the improved street.

(ii) Pave roads within a park according to the following minimum standards:

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

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

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

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

(iv) 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.

(g) Services.

(i) 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.

(ii) 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.

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

(h) 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.

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

(4) 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 information required by the state of Oregon and 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.

(5) 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.

(6) 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.

(7) 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.

(8) Special Manufactured Home Siting Requirements.

(a) Residential certified factory-built home parks and units shall be required to meet the following and all state requirements.

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

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

(iii) 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.

(9) Yards. There are no yard requirements for the use other than those imposed by building codes.

(10) Park Improvements.

(a) Construction Plans and Specifications. As part of the site plan application, the applicant shall submit to the community development 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 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 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, attorney's 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.

17.322.030 Recreational vehicle parks.

(1) Permitting Process. As specified in Chapter 17.130 CBDC and Chapter 918-650 OAR.

(2) Permitted Land Uses. Recreational vehicles as defined in Chapter 17.150 CBDC and one park manager's unit. Tents, cabins and other shelter forms are not permitted.

(3) Development Standards.

(a) Minimum lot size – one acre.

(b) Occupied area surface treatment of asphalt, concrete or permanently contained crushed rock.

(c) Number of spaces available for recreational vehicles shall comply with the density of the underlying ~~zoning~~ zone district.

(d) Parking as specified in CBDC 17.330.070.

(e) The park shall be buffered from surrounding use and development by a 15-foot minimum setback from the side property line when adjoining a residential district; and 25-foot setback from the rear property line when adjoining a residential district. The parks shall be buffered from a public street or highway by a 20-foot minimum setback from the property line. A five-foot setback from side and rear property lines shall be required in all other instances.

(f) All applicable state of Oregon and Coos Bay sanitation, water, plumbing, electrical and sewerage installation standards.

17.322.040 Park model vehicle parks.

(1) Permitting Process. As specified in Chapter 17.130 CBDC and Chapter 15.40 CBMC, Oregon Manufactured Dwelling and Park Specialty Code.

(2) Permitted Land Uses. Park models as defined in Chapter 17.150 CBDC and one park manager's unit. Tents, cabins and other shelter forms are not permitted.

(3) Development Standards.

(a) Minimum lot size – one acre.

(b) Occupied area surface treatment of asphalt, concrete or permanently contained crushed rock.

(c) Number of spaces available for park models shall comply with the density of the ~~zoning~~ zone district where the property is located.

(d) Parking as specified in ~~CBDC 17.330.070~~Chapter 17.330 CBDC.

(e) Front yard setbacks and landscaping specified landscape standards for each individual park model consistent with the underlying zone.

(f) The park shall be buffered from surrounding use and development by a 15-foot minimum setback from the side property line when adjoining a residential district; and 25-foot setback from the rear property line when adjoining a residential district. The parks shall be buffered from a public street or highway by a 20-foot minimum setback from the property line. A five-foot setback from side and rear property lines shall be required in all other instances.

(g) All applicable state of Oregon and Coos Bay sanitation, water, plumbing, electrical and sewerage installation standards.

17.322.050 Park models on existing lots of record.

(1) Permitting Process. As specified in Chapter 17.130 CBDC and Chapter 15.25 CBDC, Oregon Residential Specialty Code.

(2) Development Standards. As identified in the ~~zoning~~ zone district where the property is located.

(3) Density. As identified in the underlying ~~zoning~~ zone district.

(4) Parking. As specified in Table 17.330.010(A), Off-Street Parking Requirements.

Section Q. The text of Chapter 17.328 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.328.010 ~~Nonconforming uses and development generally~~General provisions.

(1) ~~Establishment of Nonconforming Status.~~ Legally established nonconforming uses and developments may be continued ~~and~~, maintained, altered, and expanded ~~without city review and approval. A nonconforming use or development may be altered or expanded~~ subject to the provisions of this chapter and other applicable sections of ~~the CBDC~~this title.

(a) Single-unit dwellings in the commercial and industrial zone districts are exempt from the provisions of this chapter and may be continued, maintained, improved, and reconstructed subject to the development standards set forth in CBDC Table 17.230.030 for detached single-unit dwellings.

(2) The proponent of a nonconforming use or development shall bear the burden of ~~establishing~~ proving that the use or development was legally established and to what extent at the time the use or development became nonconforming.

(3) ~~Ownership. Changes in ownership of a~~A nonconforming use or development ~~are exempt from~~may change ownership without city review or approval.

(4) Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued, and construction commenced prior to the adoption of the regulation that would make such use or structure nonconforming.

(5) Development which is nonconforming with respect to height, yard requirements, lot coverage, screening and buffering, or density may be utilized by a use which is permitted in the district in which it occurs. The development may be repaired, modified, or altered, internally or externally; provided, such repairs and modifications do not increase the nonconformance of the development and comply with the International Building Code standards, or are required by building, health, fire, or other applicable standards to make a structure safe for occupancy. ~~This chapter does not apply to existing single-family dwellings in the commercial and industrial districts; provided any addition, improvement or reconstruction thereto shall comply with the standards of the residential districts. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.327.010].~~

17.328.020 Discontinuance, destruction, expansion and changes.

(1) Discontinuance. A nonconforming use not actively used for a period of two years shall be deemed discontinued. A discontinued nonconforming use cannot be revived, and any further uses of the property must conform to the provisions of this title ~~as provided for above~~.

~~(a) Periods of reduced operation caused by normal fluctuations in business demand are not discontinuances; provided, that periods of reduced operation in excess of two years shall have the effect of discontinuance.~~

(~~b~~2) Destruction. When a structure or development is damaged by any cause to an extent exceeding 75 percent of the replacement cost using new materials, it is considered destroyed.

(a) A structure containing a nonconforming use or a nonconforming development which is destroyed may be restored to its previous condition and all nonconforming use rights maintained, provided such restoration is commenced within a period of 24 months after the date of destruction.

(b) Rights to continue a nonconforming use or development expire if a structure containing a nonconforming use or a nonconforming development is destroyed ~~by any cause to an extent exceeding 75 percent of the cost of replacement of the structure, using new materials~~and no action is taken within the timeframe allotted in this section to restore the structure containing a nonconforming use or the nonconforming development. After such destruction, ~~development or use~~use or development of the property shall comply with the applicable zone district regulations.

(~~2~~3) Expansion. ~~Expansion of a nonconforming use or development shall be subject to the same standards and procedure as for a change in the nonconforming use or development as provided in subsection (3) of this section~~A

nonconforming use or development may be expanded subject to a Type II procedure, provided the following criteria are met:~~.~~

(a) The expanded use or development complies with the applicable development standards in the same zone district, or the necessary adjustments have been approved; and

(b) The expanded use or development will not result in greater adverse impacts related to traffic, noise or other emission, or increased hours of operation compared to existing adjacent uses or other uses allowed outright in the same zone district.

(~~3~~4) Changes.

(a) A nonconforming use may be changed to another nonconforming use through a Type II procedure, provided the criteria set forth in CBDC 17.328.020(3) are met.~~A nonconforming use or development may be changed to a conforming use or development in whole or in part. Once a nonconforming use or development becomes conforming, in whole or in part, the nonconforming rights are lost and the nonconformity may not be reestablished.~~

(b) A nonconforming use or development may be changed to a conforming use or development in whole or in part. Once a nonconforming use or development becomes conforming, in whole or in part, the nonconforming rights are lost and the nonconformity may not be reestablished.

~~A nonconforming use may be changed to another nonconforming use through a Type II procedure, provided the applicant demonstrates that the proposed use will have no greater adverse impacts on surrounding properties than the existing use; adverse effects include, but are not limited to, generation of more traffic, noise, dust or fumes, or increased hours of operation. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.327.020].~~

~~**17.328.030 Nonconforming development.**~~

~~Development which is nonconforming with respect to height, yard requirements, lot coverage, screening and buffering or density may be utilized by a use which is permitted in the district in which it occurs. The development may be repaired, modified, or altered, internally or externally; provided, such repairs and modifications do not increase the nonconformance of the development and comply with the International Building Code standards, or are required by building, health, fire or other applicable standards to make a structure safe for occupancy. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.327.030].~~

Section R. The text of Chapter 17.330 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.330.005 Purpose.

(1) Ensure that adequate off-street parking is provided for new land uses and major alterations to existing uses, considering the demands likely to result from various uses, combinations of uses, and settings, and to avoid the negative impacts associated with spillover parking into adjacent neighborhoods and districts~~;~~.

(2) Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand~~;~~.

(3) Ensure that parking and loading areas are designed to operate efficiently and effectively and in a manner compatible with on-site and surrounding land uses~~;~~.

(4) Ensure that adequate off-street bicycle parking facilities are provided~~;~~.

(5) Promote safe and attractive parking lot design~~;~~.

(6) Accommodate and encourage increased use of alternative fuel and zero-emissions vehicles.

17.330.010 Off-street parking requirements.

(1) General Parking Requirements. Off-street parking shall be provided in compliance with Table 17.330.010(A).

(a) Where the number of required off-street parking spaces contains a fraction, that fraction shall be rounded up to the next whole parking space.

Table 17.330.010(A) – Off-Street Parking Requirements

Use	Minimum Number of Parking Spaces
Residential:	
Dwelling, single-unit or duplex	2 spaces per each single unit or 2 spaces for a duplex
Dwelling, multi-unit	1.5 spaces per dwelling unit
Group residential care or treatment facility or senior citizen housing	1 space per 3 beds
Accessory dwelling unit	Exempt
Certified factory-built home, manufactured dwelling	2 spaces per manufactured unit
Certified factory-built home park model	1 space per park model
Commercial:	
Auto, boat, trailer/mobile home sales or service or nursery	1 space per 500 square feet
Retail stores	1 space per 400 square feet of floor area
Furniture or appliance sales and service	1 space per 500 square feet
Bank, medical or office buildings	1 space per 250 square feet of floor area
Personal service and repair	1 space per 250 square feet of floor area
Hotel, motel or bed and breakfast houses	1 space per guestroom, plus 1 per every 25 rooms
Hospital	3 spaces per 2 beds
Restaurants or drinking establishments	1 space per 200 square feet of floor area

Use	Minimum Number of Parking Spaces
Religious institutions	1 space for each 6 seats or 12 feet of bench in the principal place of worship
Skating rink or dance hall	2 spaces per 100 square feet plus 1 per 2 employees
Bowling alley	2 spaces per lane
Schools and Civic Uses:	
Preschool, elementary and middle school	2 spaces per classroom and 1 space per additional office
High school and further education	6 spaces per classroom and 3 spaces per additional office
Library, museums, art galleries	1 space per 600 square feet of floor area
Day care	1 space per employee
Industrial or manufacturing	1 space per 500 square feet of floor area
Commercial storage or warehousing	1 space per 1,000 square feet of floor area
Government buildings	1 space per 330 square feet of floor area
Place of assembly with seating	1 space for each 4 seats or 8 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.
Place of assembly without seating	1 space per 4 persons, based on the occupancy load
Uses not identified	Requirement as determined by the director

(2) All new developments, except for single-unit dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.330.030(B).

Table 17.330.030(B) – Bicycle Parking

Type of Use	Number of Bicycle Parking Spaces
Multi-unit residential	One space per dwelling unit
Commercial	One space per use plus one space per 15 vehicle parking spaces
Industrial, institutional and public uses	Schools – One space per 25 students Transit Stops – Two spaces Transit Centers – Four spaces or one per 10 vehicle spaces, whichever is greater Other Uses – One space per use plus one space per 10 vehicle parking spaces

(~~2~~3) Exempt Parking.

(a) WH District.

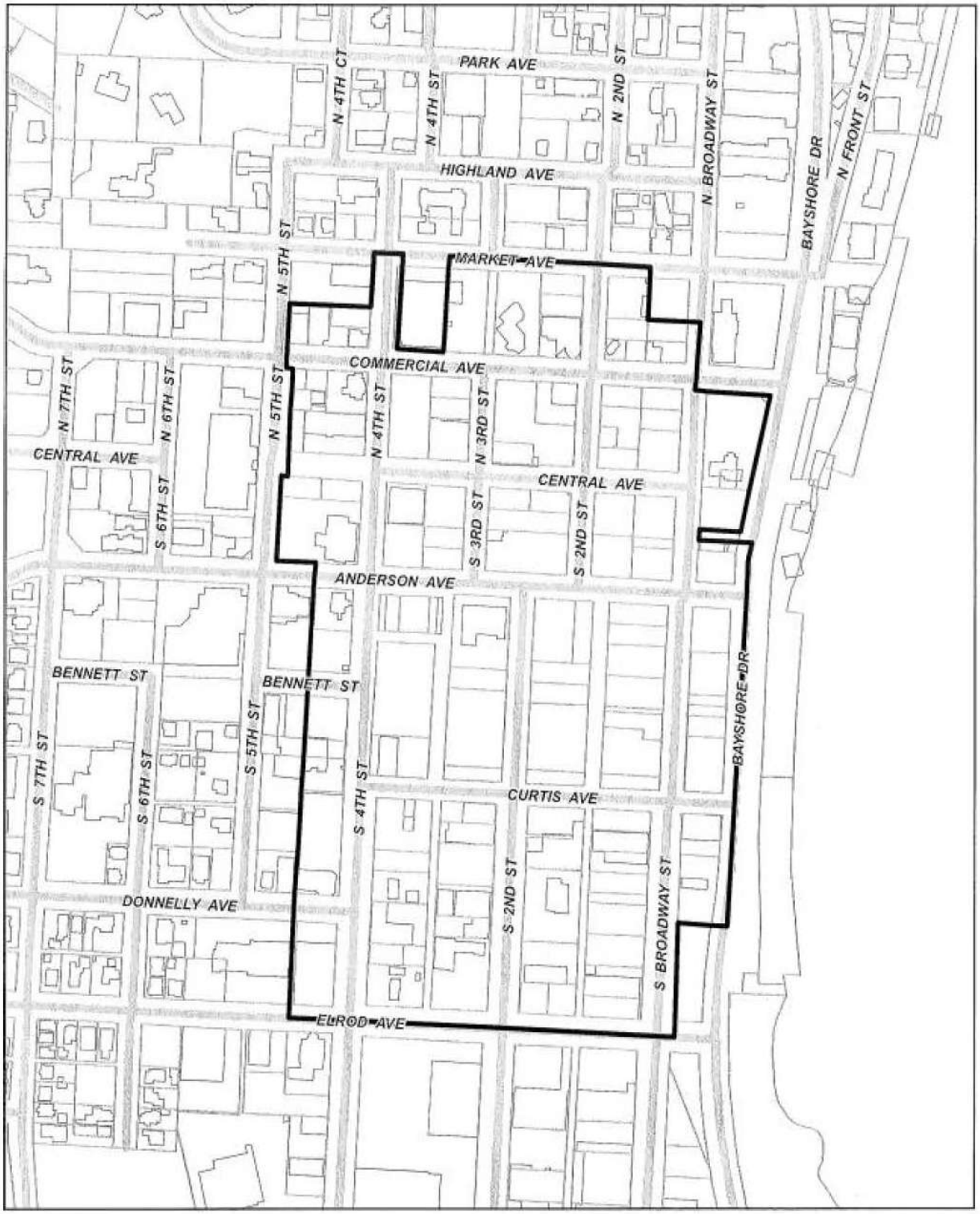
(i) WH-2 zone subdistrict. Except for tourist habitation – waterfront inn, off-street parking is not required.

(b) Downtown Parking District.

(i) There shall be no off-street parking requirements for any property included within the area identified in Figure 17.330.010(B), Downtown Parking District. ~~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.~~

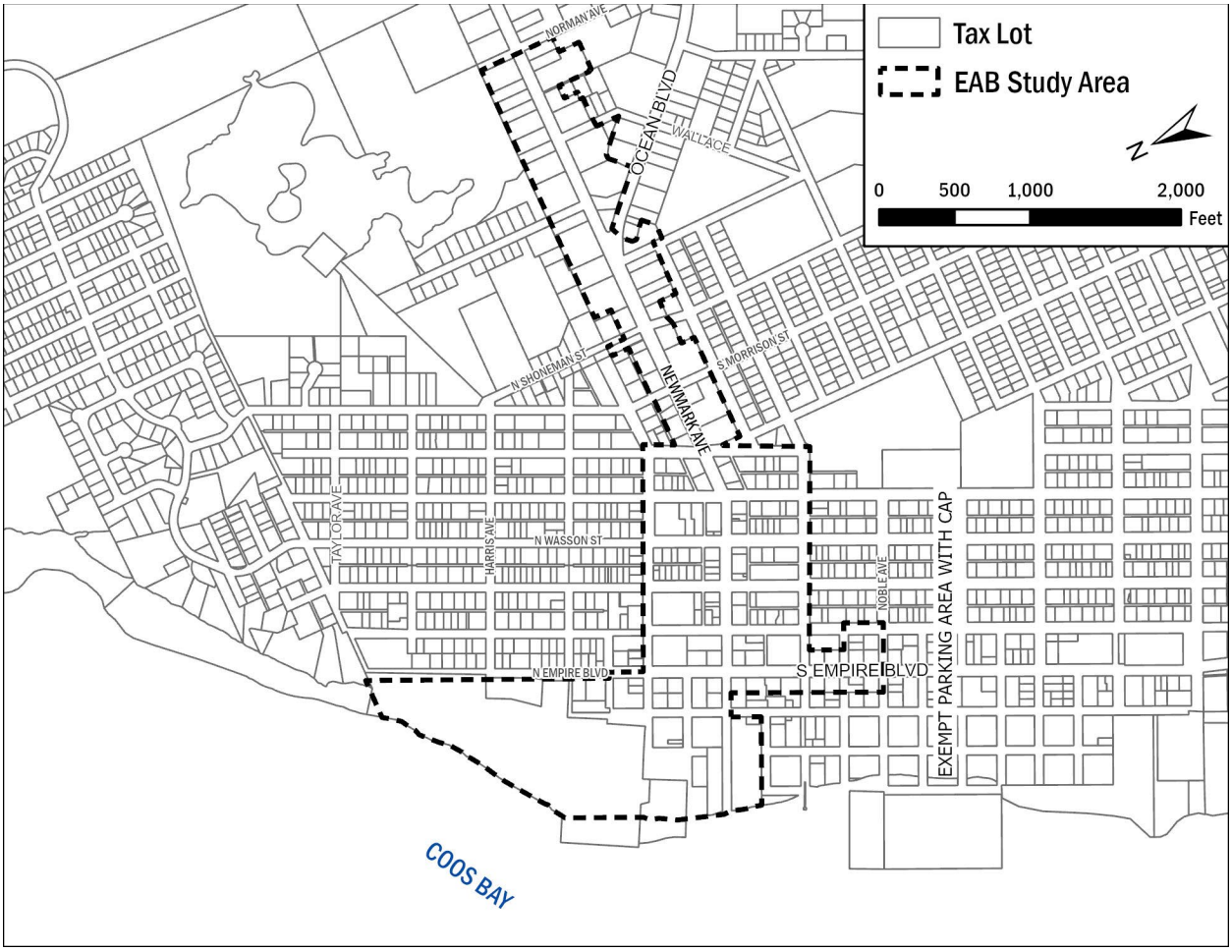
Figure 17.330.010(B) – Downtown Parking District



(~~b~~c) Empire Parking District.

(i) Any use included in the area identified in Figure 17.330.010(C), Exempt Parking Area with Cap, must provide off-street parking for the number of spaces required in Table 17.330.010(A), Off-Street Parking Requirements, in excess of 25 spaces.

Figure 17.330.010(C) – Exempt Parking Area with Cap



17.330.020 Joint use of facilities.

(1) Joint parking and/or loading facilities serving two or more uses, structures, or parcels of land may be approved to satisfy the requirements of both facilities, provided the owners or operators of the uses, structures, or parcels show that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

(2) Parking spaces and parking areas may be used for ~~transit related~~transit-related uses, such as transit stops and park-and-ride/rideshare areas, provided minimum parking space and design requirements for the site can still be met or the appropriate adjustment is granted. ~~Development required to provide park-and-rides~~Transit stops and park-and-rides shall be consistent with the location and design specifications of the Coos County transit master plan.

17.330.030 Parking design standards.

(1) Size of Parking Space. Each off-street parking space shall not be less than nine feet by 18 feet. Up to 40 percent of all required parking spaces can be ~~used~~ designated for compact vehicles. ~~and shall be identified as compact parking spaces. These~~ Each compact parking space~~s~~ shall not be less than eight feet by 16 feet. Each compact parking space shall be identified as such and all off-street parking spaces shall be provided with adequate ingress and egress.

(a) Parking Stall Design and Minimum Dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with the CBMC.

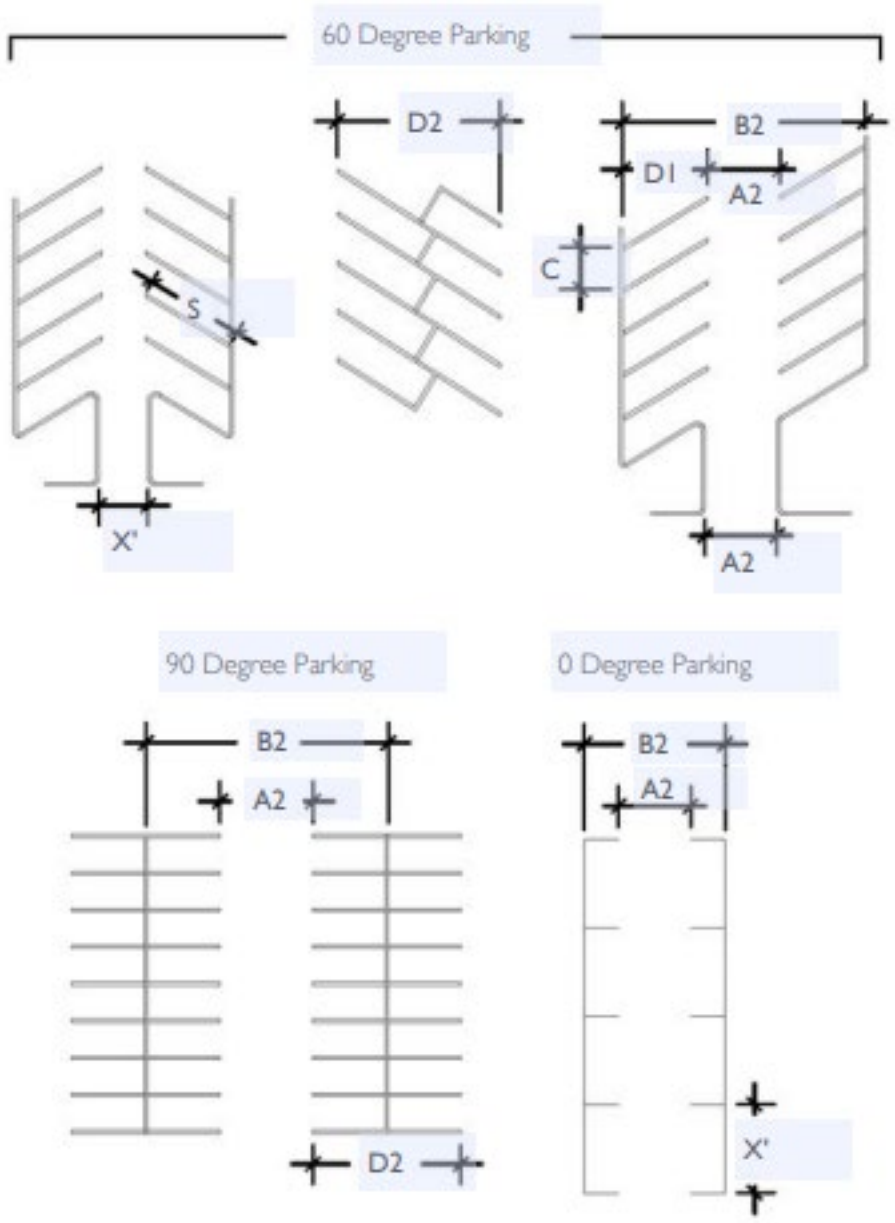
(i) At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 17.330.030(A) and Figure 17.330.030.

(ii) All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way.

Table 17.330.030(A) – Parking Area Minimum Dimensions

Parking Angle < °	Curb Length	Stall Depth		Aisle Width		Bay Width		Stripe Length
		Single D1	Double D2	One Way A1	Two Way A2	One Way B1	Two Way B2	
90°	8' 6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18' 6"	37'	13'	18'	50'	55'	26' 6"
30°	17'	16' 6"	33'	12'	18'	45'	51'	32' 8"
0°	22'	8' 6"	17'	12'	18'	29'	35'	8' 6"

Figure 17.330.030 – Parking Stall Design and Minimum Dimensions



(2) Location.

(a) Off-street parking facilities shall be located on site to the extent feasible.

(b) Off-site parking shall be no further than 300 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.

~~Parking areas that have designated employee parking and more than 20 automobile parking spaces shall provide at least 10 percent of the employee parking spaces (minimum two spaces) as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA accessible parking spaces.~~

(3) Materials, Design, and Lighting.

(a) Surfacing. Off-street parking facilities shall be surfaced with a ~~permeable,~~ durable and dustless surface (asphalt, concrete, or other city-approved material), shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.

(i) Driveways. Driveways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Driveways are intended to be used primarily for vehicular circulation where the following standards apply:

(A) Two-way driveways shall be a minimum width of 20 feet; one-way driveways shall be a minimum width of 12 feet.

(B) The maximum driveway width is 28 feet.

(C) Hammerheads or other such turnarounds may be required by the review authority for dead-end driveways. The dimensions of the hammerhead shall be adequate to meet the requirements of the public works and fire departments.

(ii) Existing Residential Improvements. Improvements to existing residential development, such as the addition of a carport or garage with driveway and maneuvering areas, shall require compliance with the surfacing requirements of this chapter if access to the improvement is gained from an improved street. At a minimum, the paved access must be 20 feet in length measured from the edge of the improved street on which access is gained.

(iii) 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.

(b) ~~Except for a single-unit or duplex dwelling, groups~~Circulation and Lighting. Parking clusters containing two or more ~~of more than two~~ parking spaces ~~per lot~~, except those accessory to a single-unit or duplex dwelling, must:

(i) Provide aisles or turnaround areas so that all vehicles may enter the street in a forward manner.~~;~~

(ii) Serve a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined.

(A) In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of-way, except for ingress and egress.~~;~~

(iii) Provide internal pedestrian connections in parking lots with more than 10 parking spaces located in commercial districts and in parking lots with more than 30 parking spaces located in noncommercial districts. These connections shall be a minimum of five feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of nonpermanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length.~~; and~~

(iv) Provide at-grade pedestrian lighting level of no less than ~~two~~ 0.2 foot-candles.

(v) Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).

(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) 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 20 feet in length measured from the property line in which access is gained.

(e) Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).

(f) Parking lot landscaping includes the following requirements:

(i) Open Parking and Driveway Areas Landscaping. Seven percent of any open parking or driveway areas containing parking spaces for 10 or more vehicles shall be landscaped. Landscaping shall be distributed through the entire parking area as evenly as possible as required by the review authority.

(ii) Landscaping Along Property Lines for Parking Lots. A three-foot-wide landscape strip, with planting maintained at either a height of two and one-half feet or a height determined acceptable by the review authority will be provided along the property lines adjacent to any public or private street or alley (except within the approved exit and entrance ways) whenever the parking or circulation abuts these streets.

(iii) Plantings Around Driveways for Parking Lots. Any of the following driveways or open parking areas shall be separated by a planting strip three feet wide:

(A) Where there are two or more parking lots or vehicles adjacent to one another which do not use a common driveway;

(B) Where a parking lot for vehicles abuts a driveway, which does not provide access to that parking lot.

(g) Layout. Parking lots with four or more spaces must be designed so that automobiles will not back up onto public streets and will have at least one entrance and exit.

(h) Hammerheads or other such turnarounds may be required by the review authority for dead-end driveways. The dimensions of the hammerhead shall be adequate to meet the requirements of the public works and fire departments.

(i) Bumper Guards and Wheel Stops. Permanent bumper guards or wheel stops shall be provided for parking spaces located adjacent to walls, fences, buildings, landscaping, etc., to prevent damage to any such objects or landscaped areas. However, if a landscaping curb is used in lieu of a wheel stop, it must be of sufficient width so as not to damage landscaping for a minimum of 12 inches, and must not encroach into the required space area more than 24 inches at front of parking space.

(4) All uses, except for single-unit dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.330.030(B).

Table 17.330.030(B) – Bicycle Parking

Type of Use	**Number of Bicycle Parking Spaces**
Multi-unit residential	One space per dwelling unit

~~Type of Use~~	~~Number of Bicycle Parking Spaces~~
~~Commercial~~	~~One space per use plus one space per 15 vehicle parking spaces~~
~~Industrial, institutional and public uses~~	~~Schools – One space per 25 students~~ ~~Transit Stops – Two spaces~~ ~~Transit Centers – Four spaces or one per 10 vehicle spaces, whichever is greater~~ ~~Other Uses – One space per use plus one space per 10 vehicle parking spaces~~

(4) Bicycle Parking. Bicycle parking spaces may be located within a garage, storage shed, basement, utility room, or similar area subject to the following standards:

~~(a) Bicycle parking space may be located within garage, storage shed, basement, utility room or similar area.~~

(~~b~~a) ~~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.

(i) Where a building has multiple entrances, required bicycle parking shall be no farther than 50 feet from an entrance.

(ii) Bicycle parking shall be located and designed so as to not impede or create a hazard to pedestrians (~~at least~~a minimum 36 ~~inches~~ inch clear area shall be maintained between bicycles and other obstructions or buildings).

(~~c~~b) ~~Bicycle Parking for Transit.~~ The location and design of bicycle parking for transit stops and transit centers shall be determined through the development review process.

~~(5) Driveways. Driveways and parking drives shall be designed in accordance with the following standards:~~

~~(a) Driveways. Driveways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Driveways are intended to be used primarily for vehicular circulation where the following standards apply:~~

~~(i) Two-way driveways shall be a minimum width of 20 feet; one-way driveways shall be a minimum width of 12 feet.~~

~~(ii) The maximum driveway width is 28 feet.~~

~~(b) Alley Access. Lots with alley access, either at the rear yard or along the side yard, shall use the alley to provide access to the development site if either:~~

~~(i) The alley right-of-way width is 20 feet for the length of the alley between the lot and the street; or~~

~~(ii) The lot's only street frontage is on an arterial or collector street.~~

~~(c) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria in Chapter 17.372 CBDC, Adjustment Review.~~

(~~6~~5) ~~Vehicle Parking~~Multi-Unit Developments.

On-site parking shall be provided as part of any multi-unit development project in the form of garages (private or common), carports, and open parking areas.

(a) All parking, except private and common garages, shall be located in the rear of the property, with building construction occurring toward the front, closest to employment centers, shopping centers, and transit corridors to minimize walking distance, and designed as follows:

(i) All new townhouse developments shall include four additional off-street parking spaces for every three units. These spaces are to be evenly dispersed throughout the development with no more than four spaces being located in any one specific area. The director is authorized to establish final location of these parking spaces.

(ii) Parking Clusters.

(A) Maximum Size of Parking Clusters. Individual parking clusters shall contain no more than 50 contiguous spaces and shall be no more than 9,000 square feet in size. No more than three individual parking clusters may be connected by an aisle or driveway.

(B) Parking Cluster Separation. Landscape areas shall be placed between parking clusters to visually interrupt rows of parked vehicles and to separate individual parking clusters.

(C) Pedestrian Access. Parking clusters shall be designed to accommodate pedestrian and bicycle access in accordance with CBDC 17.335.090.

~~(a) Parking Element Types. On-site parking shall be provided as part of any multi-unit development project in the form of garages (private or common), carports, and open parking areas. All parking, except common garages, shall be designed as parking clusters according to subsection (6)(b) of this section.~~

~~(b) Parking Clusters.~~

~~(i) Maximum Size of Parking Clusters. Individual parking courts shall be no more than 9,000 square feet in size and shall be physically and visually separated by a landscape area a minimum of 20 feet in width. No more than three individual parking courts may be connected by an aisle or driveway.~~

~~(c) Parking Cluster Separation. Landscape areas shall be placed between parking clusters to visually interrupt rows of parked vehicles and to separate individual parking clusters. Landscape areas between parking clusters shall have a minimum width of 20 feet and a minimum area of 360 square feet. Each of these islands shall provide a minimum of one 20-foot canopy shade tree.~~

~~(7) Architectural elements such as trellises, porches, and stairways may extend into planting islands between parking clusters.~~

(6) Manufactured Home and RV and Park Model Parks.

(a) Off-street parking shall be provided:

(i) For manufactured home parks, two off-street parking spaces per dwelling unit, each with a dimension of 10 feet by 20 feet, shall be located on the lot or property which they are intended to serve. Off-street parking shall be provided within a garage or carport.

(ii) For RV and park model parks, one 10-foot-by-20-foot off-street parking space per unit located on the lot or property which they are intended to serve.

(b) Visitor Parking. At least one off-street parking space shall be provided for every two manufactured home lots or sites for use by visitors and delivery vehicles. These spaces shall be signed or designated as such. These spaces shall be within 100 feet of the lots to be served. Visitor parking may be provided on streets designed to accommodate parking and two standard lanes of traffic.

(c) All on-site parking shall be designed and constructed in compliance with the parking facility standards of this chapter.

(d) Trucks with a maximum gross vehicle weight more than one and one-half tons, recreational vehicles, boats on boat trailers, and similar equipment shall be parked in one of the two allocated off-street parking spaces if stored on an individual lot or space; provided no more than one passenger vehicle may be parked on a given lot or space. Car-top boats and canoes are exempt from this requirement.

(~~8~~7) Limitations. ~~on~~

(a) Parking Frontage. To strengthen the presence of buildings on the street, parking and vehicle use areas and garages adjacent to any public or private street frontage shall extend across no more than 50 percent of any street frontage.

(i) No parking spaces~~, with the exception of underground parking,~~ shall be placed within any required front yard area with exception for the following:~~. Parking areas shall not be located between buildings and the street.~~

(A) Underground parking facilities.

(B) Single-unit and duplex dwelling parking areas.

(b) Access.

(i) Access to and from off-street parking areas onto arterial streets shall not permit backing onto the arterial street.

(ii) Lots with alley access, either at the rear yard or along the side yard, shall use the alley to provide access to the development site if either:

(A) The alley right-of-way width is 20 feet for the length of the alley between the lot and the street; or

(B) The lot's only street frontage is on an arterial or collector street.

(c) Bumper Guards and Wheel Stops. Permanent bumper guards or wheel stops shall be provided for parking spaces located adjacent to walls, fences, buildings, landscaping, etc., to prevent damage to any such objects or landscaped areas. However, if a landscaping curb is used in lieu of a wheel stop, it must be of sufficient width so as not to damage landscaping for a minimum of 12 inches, and must not encroach into the required space area more than 24 inches at front of parking space.

(d) Employee Parking. Parking areas that have designated employee parking and more than 20 automobile parking spaces shall provide at least 10 percent of the employee parking spaces (minimum two spaces) as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA-accessible parking spaces.

(e) Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located in a residential zone district.

(~~9~~8) Criteria for Adjustment. Adjustments to the standards in this section may be made, based on the criteria in Chapter 17.372 CBDC, Adjustment Review.

17.330.040 Loading.

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space on the basis of minimum requirements as follows:

(1) Commercial, industrial, and public uses shall provide truck loading or unloading berths in accordance with Table 17.330.040(A):

Table 17.330.040(A)

Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

(2) Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with Table 17.330.040(B):

Table 17.330.040(B)

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

(3) A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

(4) Existing loading space shall not be eliminated, if elimination would result in less space than is required to adequately handle the needs of the particular use.

(5) Off-street parking areas used to fulfill the requirement of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

(6) Loading docks shall be located on the side or rear of the building.

~~**17.330.050 Vehicles in residential zones.**~~

~~(1) Purpose. Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located within a single-unit residential zone.~~

~~(2) Where Applicable. These regulations apply to all residential users in SLR and LDR zoning districts unless otherwise expressly indicated.~~

~~(3) Off-Street Parking. Each single-unit residence, constructed after the date of adoption of the ordinance codified in this title, shall provide for at least two off-street parking spaces. Off-street parking must provide a minimum of 20 feet of lineal parking between the street and the dwelling setback. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.050].~~

~~**17.330.060 Multi-unit dwelling parking lots and circulation.**~~

~~Except for townhouse structures containing garages, parking lots and garages for multi-unit dwelling developments shall be located in the rear portions of the property, with building construction occurring toward the front, closest to employment centers, shopping centers and transit corridors to minimize walking distance. Parking lots and garages located between buildings and streets are not permitted, except for townhouse structures that contain garages, in which case no more than 40 percent of the front of each townhouse dwelling unit shall be devoted to garage door space.~~

(1) A minimum of 10 feet of landscaped buffer area shall separate parking lots from adjoining properties and streets. Driveways to townhouse garages, which provide off-street parking, shall not be considered parking lots.

(2) Multi-unit dwelling development projects shall provide access to collector or arterial streets; however, individual dwelling units within multi-unit dwelling development project shall not have direct access to an arterial or a collector street.

(a) Within a multi-unit dwelling development project, parking lots or driveways to individual dwelling units shall connect directly to a local residential street with direct access to an arterial or collector street.

(b) Multi-unit dwelling development projects shall not have direct primary access to existing local residential streets within an MDR zoning district unless the review authority finds, by substantial evidence, that environmental, topographic or other issues relating directly to public safety or welfare require general access to a local, public residential street.

(3) Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.

(4) Parking lot expansion for nonconforming uses shall be subject to the requirements of Chapter 17.328 CBDC.

(5) In no event shall on-site parking facilities exceed 50 contiguous spaces per parking cluster. Where more than 50 spaces are required, there shall be a landscaped buffer, not less than 20 feet wide, between parking clusters. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

(6) Through a Type II adjustment request, an applicant may request adjustments to this section if the topography or other environmental constraints associated with the property prevent reasonable compliance with this standard. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the director, through the applicable process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

(7) All new townhouse developments shall include four additional off-street parking spaces for every three units. These spaces are to be evenly dispersed throughout the development with no more than four spaces being located in any one specific area. The director is authorized to establish final location of these parking spaces. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.060].

17.330.070 Parking requirements of manufactured home and RV and park model parks.

(1) Off-street parking shall be provided:

(a) For manufactured home parks, two auto parking spaces per dwelling unit, each with a dimension of 10 feet by 20 feet, shall be located on the lot or property which they are intended to serve. Off-street parking shall be provided within a garage or carport.

(b) For RV and park model parks, one 10-foot-by-20-foot auto parking space per unit located on the lot or property which they are intended to serve.

(2) Visitor Parking. At least one automobile parking space shall be provided for every two manufactured home lots or sites for use by visitors and delivery vehicles. These spaces shall be signed or designated as such. These spaces shall be within 100 feet of the lots to be served. Visitor parking may be provided on streets designed to accommodate parking and two standard lanes of traffic.

(3) All on-site parking shall be designed and constructed in compliance with the parking facility standards of this chapter.

(4) Trucks with a maximum gross vehicle weight more than one and one-half tons, recreational vehicles, boats on boat trailers, and similar equipment shall be parked in one of the two allocated off-street parking spaces if stored on

~~an individual lot or space; provided no more than one passenger vehicle may be parked on a given lot or space. Car-top boats and canoes are exempt from this requirement. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.070].~~

Section S. The text of Chapter 17.333 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.333.010 ~~Purpose~~Basis and purpose.

The council of the city of Coos Bay finds that it is in the public interest to establish uniform regulation of the construction and presentation of signs within the city to safeguard the orderly growth and development of the city, to protect the values and uses of property, to secure the safety and well-being of the public, and to prevent the creation of nuisances. The purpose of these sign regulations is to provide a balanced and fair legal framework for the design, construction, and placement of signs. ~~The provisions of this chapter are intended to: improve the effectiveness of signs in identifying and advertising businesses; prevent signs from detracting from the enjoyment and pleasure of the city's natural beauty; provide uniform sign standards and fair and equal treatment of sign users; protect public safety by ensuring that official traffic regulating devices are easily visible; ensure the safe construction, erection, and maintenance of outdoor signs; and comply with state and federal constitutional requirements relating to speech. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.010].~~

17.333.020 Intent.

It is the intent of these regulations to provide for the proper control of signs in a manner consistent with statutory, administrative, and constitutional standards in order to advance the following governmental interests:

(1) Uniform sign standards and fair and equal treatment of sign users.

(2) Safe sign construction, erection, and maintenance standards.

(3) The prevention of sign clutter for the following reasons:

(a) Sign clutter creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians.

(b) Sign clutter may cause physical obstructions of streets or sidewalks, creating public safety hazards.

(c) Sign clutter degrades the aesthetic and essential character of the city, making the city a less attractive place for tourism, commerce, and private investment.

(d) Sign clutter dilutes or obscures messages displayed along the city's streets through the proliferation of distracting structures and competing messages.

(4) The prevention of traffic accidents by ensuring that official traffic regulating devices are easily visible and that no sign will unduly distract or confuse operators of motor vehicles or aircraft.

(5) The prevention of negative impacts associated with temporary signs, which may be degraded, damaged, moved, or destroyed by weather elements and, after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the city if they are not removed.

17.333.030 Definitions.

"A-frame sign" means a double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

"Abandoned sign" means a sign or sign structure where: (a) the sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located; (b) the sign has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued, once started.

"Aggregate area" means the area of all signs combined.

"Alter" means to make a change to a sign or sign structure, including, but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary

maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

"Athletic scoreboard" means a sign erected next to an athletic field by the owner or operator of the field and which is visible to spectators.

"Attraction device" means any device, design, or symbol that is temporary in nature which is used primarily to attract attention. Banners, windsocks, posters, pennants, flags, ribbons, streamers, inflatable balloons drive by air blowers, and other similar devices are attraction devices.

"Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or nonrigid materials on a supporting framework.

"Awning sign" means a sign attached to or incorporated into an awning.

"Banner" means any sign made of fabric or other nonrigid material intended to be hung either with or without frames.

"Beacon sign" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Billboard" means a sign on which any sign face exceeds 200 square feet in area.

"Building front" means the lineal length of a building wall that faces a parking lot and has an entrance or exit open to the general public.

"Building official" means the city of Coos Bay building official or his or her designee.

"Business" means professions, trades, occupations, shops, and every kind of calling carried on for profit or livelihood.

"Canopy" means a permanent, freestanding, unenclosed, roofed structure.

"City" means the city of Coos Bay.

"City manager" means the city of Coos Bay city manager or his or her designee.

"City codes/planning specialist" means the city of Coos Bay codes/planning specialist or his or her designee.

"City planning administrator" means the city of Coos Bay planning administrator or his or her designee.

"Clearance" means the distance between the average grade below a sign to the lowermost portion of the sign.

"Commercial speech" means any sign wording, logo, or other representation advertising a business, profession, commodity, service, or entertainment for business purposes.

"Component" means, when used in describing a sign, any element of a sign or its source of support (excluding a building), including but not limited to support structure, accessories, wiring, or framing. Paint, vinyl, paper, fabric, lightbulbs, diodes, or plastic copy panels on a sign do not constitute components.

"Decoration" means something that adorns, enriches, or beautifies.

"Display sign" means a small sign either mounted on a building wall oriented to the height of pedestrians, or a freestanding sign oriented to occupants of a vehicle in a drive aisle.

"Double-faced sign" means a sign with sign copy on two faces, generally back to back or with an angle that does not exceed 45 degrees.

"Dwelling" means any building or portion thereof providing complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Electronic display" means a display created by light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology.

"Electronic display sign" means a sign including, or comprised solely or partially of, an electronic display which can be changed by automatic means, including, but not limited to, the operation of computer software. Definition does not include readerboard signs.

"File" means to provide a copy of a document along with the appropriate fee to the city codes/planning specialist at city hall during working hours.

"Flag" means any fabric, bunting, or other lightweight material that is secured or mounted so as to allow movement caused by the atmosphere.

"Flashing" means, when used in describing a sign, the presence of an intermittent or flashing light source (whether on the face or externally mounted), or the presence of a light source which creates the illusion of intermittent or flashing light by means of animation.

"Freestanding sign" means a sign erected on a freestanding frame, mast, or pole supported in or on the ground and not attached to any building and where the base is not more than 75 percent of the sign width.

"Frontage" means all property abutting a public right-of-way or building frontage along a parking lot.

"Government sign" means a sign that is constructed, placed, or maintained by the federal, state, or local government for the purpose of carrying out an official duty or responsibility or a sign that is required to be constructed, placed, or maintained by a federal, state, or local government, or by order of a court either directly or to enforce a property owner's rights.

"Grade" means, for freestanding signs, the average elevation of the finished surface of the ground within an area between the base of a structure and a point five feet from the structure. For wall signs, grade means the average elevation of the finished surface of the ground below the mounted sign measured five feet from each end of the sign. In case the structure is parallel to and within five feet of a public sidewalk, alley, or other public way the grade shall be the elevation of the public way measured at a point perpendicular from the center of the sign structure.

"Handheld sign" means a small hand-carried portable sign that is worn or carried by a person when being displayed.

"Height" means, for purposes of this chapter, the vertical distance measured from the highest point of the sign structure to the grade beneath the sign.

"Historical or landmark marker" means a sign constructed in close proximity to a historic place, object, building, or other landmark recognized by an official historical resources entity.

"Holiday lights or mini lights" means light fixtures that use bulbs that are sized C6, C7, or C9 or LED bulbs that are eight mm or smaller.

"Illuminated sign" means a sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is "direct" when the source

of light is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

"Incidental sign" means a sign in area of less than two square feet that is not legible to a person of ordinary eyesight with vision adequate to pass a state driver's license exam standing at ground level at a location on the public right-of-way or other private property.

"Interior sign" means a sign located inside a building and not intended to attract the attention of a person on the outside to the site or to a business.

"LED" means a semiconductor diode that converts applied voltage to light and is used in electronic displays.
"Lot" means a parcel or tract of land.

"Maintenance" means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing, or repairing a part made unusable by ordinary wear, and changing light bulbs.

"Marquee" means a permanent roofed structure, other than a roof or canopy, attached to, supported by, and projecting from a building.

"Marquee sign" means any sign attached to a marquee.

"Monument sign" means a low-profile freestanding sign affixed to the ground where the base is at least 75 percent of the sign length and width.

"Mural" means any pictorial or graphic work of visual art which is applied directly to a structure with the permission of the owner.

"Nit" means a unit of luminance, or brightness, emitted from a luminous surface, equal to one candela per square meter, measured by pointing a nit gun directly at the rays of the source of illumination.

Nit Gun. See "photometer."

"Noncommercial speech" means any message that is not commercial speech, which includes, but is not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

"Nonconforming sign" means a lawful existing sign at the time this chapter or any amendment thereto becomes effective which does not conform to the requirements of this chapter.

"Owner" means the person owning title to real property on which a sign is located, or the contract purchaser of the real property as shown on the last available complete assessment roll in the office of the county assessor. A person

who has a continuing lease of the real property on which the sign is located is, also, an owner for purposes of this chapter.

"Permanent sign" means any sign constructed of durable materials and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

"Person" means every person, firm, partnership, association, or corporation.

"Photometer" means an instrument that measures light intensity in terms of luminance. A photometer is a nit gun.

"Portable sign" means a sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailer signs but excluding signs affixed to or painted on a vehicle.

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

"Public right-of-way" means, for purposes of this chapter, travel area dedicated, deeded, or under control of a public agency, including, but not limited to, highways, public streets, alleys, bike paths, and sidewalks.

"Public sign" means a sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

"Readerboard sign" means a permanent sign with letters and/or advertising providing information in a horizontal linear format that can be readily changed manually or electronically.

"Repair" means mending or replacing broken or worn parts with comparable materials.

"Roof line" means the top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.

"Roof sign" means a sign erected or painted upon, against, or over the roof of a building or structure.

"Rope light" means a light that has holiday lights or mini lights inside of a PVC tube.

"Seasonal decorations" means every type of decoration displayed on a seasonal basis.

"Service drive sign" means a sign erected at a driveway entering a street from a drive-in business establishment or from an off-street parking area, excluding residential driveways serving fewer than five dwelling units.

"Setback" means, for the purposes of this chapter, the horizontal distance from the property line to a sign, measured at the closest points of the sign to the property line.

"Sign" means a display, illustration, structure, or device of any kind that has a visual display visible from a public right-of-way and is designed to identify, announce, direct, or inform. The scope of the term "sign" does not depend on the content of the message or image being conveyed.

"Sign area" means an area measured within lines drawn between the outermost points of a sign but excluding essential sign structures, foundations, or supports lying outside and below the limits of a sign and not forming an integral part of the display.

"Sign band" means a continuous horizontal band located on a facade where there are no doors, windows, or other architectural features.

"Sign copy" means the message or image conveyed by a sign.

"Sign face" means the area of a sign on which sign copy is displayed.

"Sign height" means the vertical distance measured from the grade below a sign to the highest attached component of a sign including the supporting structure.

"Sign structure" means the entire structure that comprises the sign, including, but not limited to, the display surface, supports, foundation, and sign tower.

"Sign tower" means a semi-detached structure, not integral to the building and erected for the purpose of signage.

"Single-faced sign" means a sign with sign copy on only one side.

"Site" means the land owned by or under the lawful control of an owner. For purposes of this chapter, individual abutting tax lots held in the same ownership shall be considered separate sites.

"Site sign" means a temporary sign constructed of paper, vinyl, plastic, wood, metal, or other comparable material that is located on a vacant lot or on a lot under construction.

"Street" means the entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms road, highway, lane, place, avenue, alley or other similar designations.

"Street frontage" means the linear length of a site, measured along a line separating the site from a street or public right-of-way.

"String light" means a lighting fixture that is composed of electrical wiring encased in plastic with sockets for bulb placement.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

"Subdivision" means either an act of subdividing land or an area or tract of land subdivided into four or more lots.

"Substantial structural alteration" means the cost of which exceeds 50 percent of the replacement value of the structure.

"Supporting structure" means a structure specifically intended for supporting or containing a sign.

"Temporary sign" means a sign which, based upon its materials, location, and/or means of construction (e.g., light fabric, cardboard, wallboard, plywood, paper, or other light materials), with or without a frame, is intended or designed to be displayed for a limited period of time.

"Traffic control device" means a device designed to redirect traffic away from property and pedestrians such as road signs, traffic signals, road markings, and traffic bollards.

"Trailer sign" means a sign placed on or affixed to a trailer or other portable device that may be pulled by a vehicle that is not being used for purposes other than the display of signs.

"Unlawful sign" means a sign that does not conform to the provisions of this chapter and is not a legal nonconforming sign.

"Vehicle sign" means a sign painted on, placed in, or affixed to a vehicle that is used for either a personal purpose or is regularly used for purposes other than the display of signs.

"Video sign" means an electronic display sign providing information in a format that uses continuous motion.

"Vision clearance area" means a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet in height measured from the top of the curb.

"Wall sign" means a sign affixed directly to or painted or otherwise inscribed on an exterior wall and confined to the limits thereof.

"Window sign" means any sign attached to or painted or otherwise inscribed on, or displayed inside a building within 12 inches of a window, with the primary purpose of being viewed from the exterior of the building.

"Yard sign" means a temporary freestanding sign constructed of paper, vinyl, plastic, wood, metal, or other comparable material that is supported by a frame, pole, or other structure placed directly in or upon the ground without other support or anchor on a lot with one or more existing permanent structures.

~~17.333.020~~17.333.040 **General provisions.**

(1) No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including, but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the provisions of this chapter.

(2) Building and electrical permits shall be the responsibility of the owner. Prior to obtaining building and electrical permits, the owner shall obtain a sign permit or demonstrate an exception from the permit requirements of this chapter.

(3) An application for sign permit approval is subject to the procedures set forth in CBDC 17.333.050.

(4) All illuminated signs must be installed by a state-licensed sign contractor, subject to the requirements of the state electrical code. All electrically illuminated signs shall be listed, labeled, and tested by a testing agency recognized by the state of Oregon.

(5) Except as provided in CBDC 17.333.070, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any sign, or cause or permit the same to be done, in violation of any provision of this chapter or a permit issued hereunder.

(6) Nothing in this chapter is intended, nor shall be construed, to permit the erection, construction, enlargement, alteration, or maintenance of any sign at any place or in any manner unlawful under any other federal, state, or local law. When any part of this chapter conflicts with another provision of federal, state, or local law, the provision that establishes the stricter standard shall control.

(7) Nothing in this chapter is intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this chapter shall be construed to favor commercial speech over noncommercial speech, or to favor any particular noncommercial message over any other noncommercial message. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

(8) Signs located within management units within the Coos Bay estuary management plan shall be regulated under the provisions of this chapter based upon the appropriate underlying zone district standards.

(9) Nonconforming signs that were lawfully installed prior to the adoption of the ordinance codified in this chapter may remain subject to CBDC 17.333.090(6). Normal maintenance and repair are allowed provided the cost of the structural repairs does not exceed 50 percent of the replacement value of the sign. If the structural repairs exceed 50 percent of the replacement value of the sign it must conform to the current requirements. ~~(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~~zone district~~.~~

~~(2) Permits.~~
~~(a) Sign permits are required before the installation of all signs except those exempted in CBDC 17.333.030. 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) Scaled 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) An accurate depiction, or rendering, showing advertising copy on the proposed sign; and~~
~~(vi) If applicable, 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 designations are as follows:~~
~~(a) Residential: (SLR), (LDR) and (MDR—).~~
~~(b) Medical park (MP).~~
~~(c) Commercial: commercial (C-1) and mixed-use (MX).~~
~~(d) Industrial: industrial/commercial (I-C), waterfront industrial (W-I) and waterfront heritage (WH).~~
~~(e) Urban public (UP).~~
~~(5) Applicability of Chapter. Murals are not considered signs. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.020].~~

17.333.050 Sign permits.

(1) Applicability. Except as otherwise provided in this chapter, a permit is required for the construction, erection, enlargement, alteration, or relocation of any sign.

(2) Submittal Requirements. An application for a sign permit shall be filed with the city on forms that comply with the provisions of this chapter and with applicable laws of the state of Oregon. A separate sign permit is required for

each sign, except that a combined application for all signs along a single street or building frontage may be accepted. The application for sign permit shall include the following information:

(a) The subject property by address or other property identifier.

(b) The names and addresses of the applicant, the owner of the property on which the sign is to be located, the owner of the sign, the manufacturer of the sign, the person installing the sign, and a statement whether the sign is located on property owned or leased by the person constructing, erecting, or using the sign.

(c) The owner of the property on which the sign is to be located shall authorize the application for sign permit.

(d) One complete set of plans for the sign, in a graphic form, detailed and clear enough to show compliance with this chapter. At a minimum, the plans shall include:

(i) A detailed drawing of the sign drawn to scale, including sign dimensions and sign height above grade.

(ii) A site plan drawn to scale showing the location and dimensions of all property lines, buildings, and existing and proposed signs, and identifying adjacent streets, parking lots, and access points.

(iii) Identification of materials and type of sign.

(iv) Measurements in compliance with the standards for measurements set forth in CBDC 17.333.060.

(e) Any other information as is needed to determine conformance with this chapter and with applicable building codes.

(f) A fee in the amount set by council resolution.

(3) Criteria. An application for a sign permit shall be granted if the following criteria are met:

(a) The sign conforms to all applicable provisions in this chapter and in CBMC Title 15, and to any other objective requirement imposed by law.

(b) The applicable permit fee has been paid.

(4) Inspection Required. A person who constructs, erects, enlarges, alters, or relocates any sign, or installs electrical parts, wiring, or illumination in or upon a sign for which a sign permit is required shall notify the planning administrator immediately upon completion of the work and request a final inspection. Failure to do so shall result in the revocation of the sign permit.

(5) Time Limits. Expiration and extension of a sign permit authorized pursuant to this chapter shall be as set forth in CBDC 17.130.140.

(6) 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, together with the site and all components of the sign structure, shall be kept in good repair, free from deterioration, and in a safe condition.

17.333.060 Measurements.

(1) Measurements shall be taken as follows:

(a) Size. Size includes the height, length, and width of the sign structure. Measurements shall be rounded up to the nearest foot, or nearest square foot, as applicable.

(b) Sign Area. Sign area shall be expressed in square feet. Only one sign face is considered in calculating the sign area of a double-sided sign, except when the interior angle formed by the two sign faces is greater than 45 degrees, or when the two sign faces are greater than 18 inches apart, in which case all sign faces shall be considered in calculating the sign area. Where the sign area is three-dimensional, including but not limited to round or irregular solid shapes, the sign area shall be calculated by taking the largest cross-section and drawing a line around the outermost points of the cross-section. If there is open space between sections or modules of a sign area, the open space may be deducted from the calculation of the sign area.

(c) Lot or Building Frontage. The lot or building frontage of a business shall be measured along a publicly dedicated right-of-way or along a parking lot. When multiple businesses occupy a single building, the frontage shall be measured along each business's frontage along a parking lot. This measurement shall be expressed in linear feet.

(d) Setbacks. Distances shall be measured from the property line to the nearest edge of the sign structure.

(e) Height. Sign height shall be measured from the grade to the top of the sign structure.

(f) Clearance. Clearance shall be measured from the grade to the bottom of the sign face.

(g) Spacing and Density. Distances shall be measured along a line parallel to the centerline of the adjacent street upon which the sign fronts and between the nearest edges of the sign structure which encompasses the sign face. A double-sided sign is counted as a single sign for the purpose of spacing and density limits.

(h) Maximum Luminance. Luminance shall be measured using a calibrated, certified photometer or nit gun as follows:

(i) Luminance measurements shall be taken during the hours beginning two hours after sunrise/sunset and two hours prior to the beginning of sunset/sunrise, as would be applicable to achieve the daytime and nighttime measurements.

(ii) Luminance measurements shall be taken from a position as close to the sign being measured as reasonably possible.

(iii) The photometer shall be positioned for measurements such that the sign being measured fills the central circle of the measurement area. If the sign being measured contains multiple colors, the photometer shall be positioned such that an area of the sign displaying all white fills the measurement area.

(iv) At least five measurements shall be made for each sign or sign area, and the readings recorded. The recorded measurements, including the date and time made and the permit number for the sign(s) in question, shall be provided by the owner/installer to the planning division within 30 days of permit issuance.

~~17.333.030~~17.333.070 Signs allowed without permit.

(1) General. The signs authorized under this section shall not be included in the limitation on the number of signs allowed on a property, nor shall they be included in the computation of the overall permitted aggregate area, nor shall they be illuminated unless otherwise stated.

(2) The following activities do not require a sign permit:

(a) Changing of copy on a sign specifically designed for the use of replaceable copy.

(b) Painting, repainting, cleaning, and the regular maintenance and repair of a sign, where no substantial structural alteration is made.

(3) The following types of signs are allowed without permit subject to the limitations and requirements set forth below:

(a) Temporary signs subject to CBDC 17.333.140.

(b) Public signs not within the public right-of-way. The authorization of the city manager is required prior to placing a public sign on public property.

(c) Historical or landmark markers.

(d) Display signs. One display sign up to two square feet in area per dwelling unit or business.

(e) Service drive signs. One service drive sign up to six square feet in area per driveway.

(f) Interior signs. Interior signs that are not visible from a public sidewalk, street, highway, or alley.

(g) Window signs. Window signs in compliance with CBMC Title 15.

(h) Athletic scoreboards. Athletic scoreboards located within a sports stadium or athletic field, or other outdoor assembly area, which are intended for viewing by persons within the facility shall be placed so as to be oriented towards the interior of the field and the viewing stands. Electronic display signs shall be subject to the standards set forth in CBDC 17.333.110.~~(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 in area.~~
~~(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 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 within 14 days after the building receives a final occupancy permit.~~
~~(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 CBDC 17.333.040(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. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.030].~~

17.333.080 Exempt signs.

(1) Except for signs prohibited by this chapter, the following signs are exempt from the provisions of this chapter:

(a) Incidental signs.

(b) Handheld signs.

(c) Vehicle signs.

(d) Government signs.

(e) Official traffic control devices.

(f) Seasonal decorations, rope lights, string lights, holiday lights, or mini-lights.

(g) Murals.

~~17.333.040~~**17.333.090 Prohibited signs.**

The following signs are prohibited:

(1) Abandoned Signs. See CBDC 17.333.170(4), Enforcement-removal of Abandoned Signs.

(2) Signs within Residential Zones. No roof sign, trailer sign, or billboard shall be permitted in a residential zone.

(3) Signs within the Downtown and Empire Core Areas. No sign within the Downtown and Empire urban renewal districts located along Bayshore Drive and Newmark Avenue street frontages shall be within 40 feet of another sign along the same frontage, unless each sign is at a different elevation.

(4) Obscene Signs. Any sign that is of an obscene character as defined by applicable state and federal law.

(5) Signs Interfering with Traffic.

(a) Any sign erected or maintained outside the right-of-way along state highways and visible to the traveling public from a state highway which violates ORS Chapter 377.

(b) Any sign located in a manner which obstructs vision or traffic on any street, alley, pedestrian and multi-use pathway, or other vehicular way.

(c) Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building. No sign structure, or part thereof, shall cover, wholly or partially, any window or doorway in a manner that will substantially limit access to the building in case of fire.

(d) Any sign which by reason of its size, location, movement, coloring, or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device.

(e) Any sign which contains lighting or movement that will distract operators of motor vehicles or aircraft, including but not limited to rotating or animated or video signs, strobe or zip lights, rotary beacons, flashing lights, search lights, festoons of lights, inflatable tube men, strings of twirlers or propellers or flares.

(f) Any sign located within a vision clearance area or within a public right-of-way except as authorized by this chapter.

(6) Unsafe Signs. No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. See CBDC 17.333.170(3), Enforcement-Removal of Unsafe 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 the 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 commercial, urban public or residential zones. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.040].~~

17.333.100 Display signs.

(1) Display Signs.

(a) Wall-Mounted, Oriented to Pedestrians. One display sign not to exceed six square feet in area may be permitted at a primary entrance to a building.

(b) Drive Aisle, Oriented to Vehicle Occupants. Such signs shall not exceed 32 square feet and may be internally illuminated.

17.333.110 Electronic display signs.

(1) All electronic display signs shall meet the following standards:

(a) The change from one electronic display to another electronic display shall be no more frequent than once every eight seconds.

(b) The actual change of display for an electronic display sign shall be completed in two seconds or less. Displays may change by fade or by instantaneous change from one static display to another, but shall remain as a static display after completing the change and shall remain static until the next change.

(c) The display surface shall not create the appearance of movement nor shall the electronic display sign be illuminated by a flashing light or a light that varies in intensity.

(d) The electronic display sign shall be equipped with technology that automatically adjusts the sign's luminance in direct correlation with ambient light conditions and in compliance with the following standards:

(i) Daytime Luminance Limits. No electronic display sign shall present a display or any part of a display that exceeds 3,000 nits between sunrise and sunset.

(ii) Nighttime Luminance Limits.

(A) No electronic display sign in nonresidential zones shall present a display or any part of a display that exceeds 150 nits between sunset and sunrise.

(B) No electronic display sign in a residential zone shall present a display or any part of a display that exceeds 100 nits between sunset and sunrise.

(2) In the event that any component of the sign, including but not limited to, its display, control, communication, design, or other operational component causes any portion of the display to fail or malfunction, including display brightness at luminance levels greater than those set forth herein, the sign owner or operator shall take immediate

action to turn the display off, or reduce the entire display to its minimum possible luminance level. The display shall remain in this condition until the problem has been resolved.

17.333.120 Billboards.

(1) Billboards are only permitted in the commercial and industrial zone districts in accordance with the following:

(a) The size of a billboard shall not exceed a total of 300 square feet. Back-to-back installation on one supporting structure is permitted. Each sign face constitutes a separate billboard sign.

(b) The sign area of these signs shall be charged to the property on which they are located. Therefore, the permit must be accompanied by written documentation from the owner of the property on which the sign is to be located acknowledging this charge.

(c) No billboard shall contain an electronic display or be internally illuminated.

(d) No billboard shall encroach into the public right-of-way.

(e) 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.

(f) Billboards located in the following areas that are along state highways must obtain a permit from the Oregon Department of Transportation in addition to obtaining permits from the city:

(i) Highway 101 North and South within city limits.

(ii) Newmark Avenue East and West within city limits.

(iii) Empire Boulevard North and South from Newmark Avenue to the southern city limits.

17.333.130 Permanent signs.

(1) All signs shall be permanent in nature, except for those signs allowed in CBDC 17.333.140. Permanent signs shall be subject to the standards for permitted signs by zone district in CBDC 17.333.150.

(2) Sign Types. Permanent signs include the following sign types:

(a) Awning signs.

(b) Canopy signs.

(c) Freestanding signs.

(d) Marquee signs.

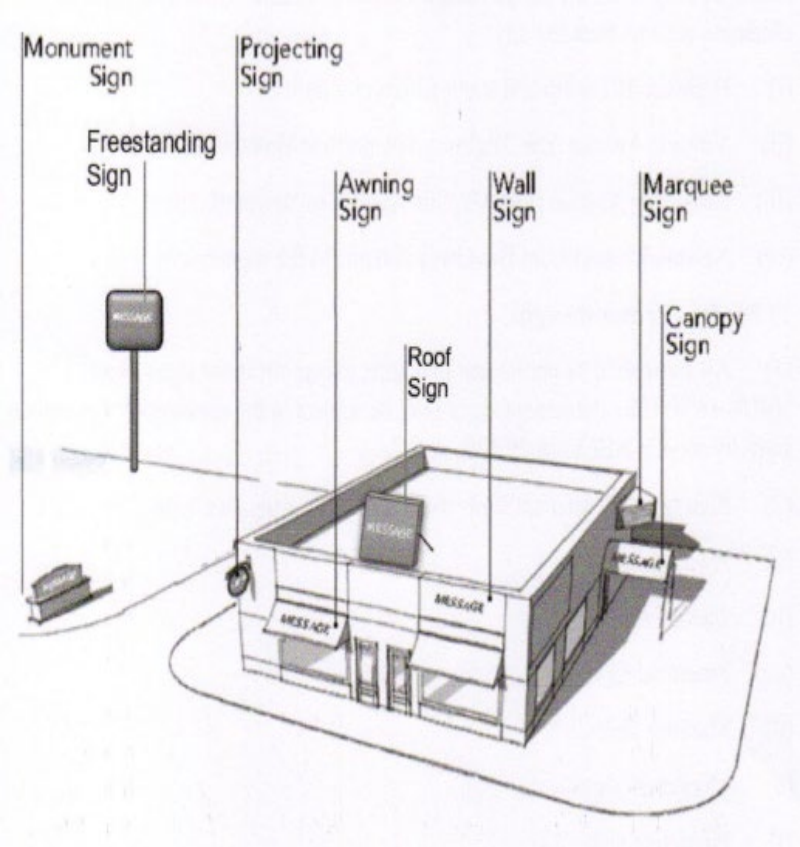
(e) Monument signs.

(f) Projecting signs.

(g) Roof signs.

(h) Wall signs.

Figure 17.333.130(A) Permanent Sign Types-Examples



(3) Awning Signs. An awning sign may include a printed or mounted sign. These signs may only be placed on awnings that are located on the ground floor facade of a building. No sign mounted to an awning shall project

beyond, above, or below the face of the awning. Awning signs shall also comply with the standards for projecting signs in subsection (8) of this section.

(4) Canopy Signs. Canopy signs may include a printed or mounted sign. The canopy upon which a canopy sign is placed may be attached to a building or attached to a standalone structure. Canopy signs shall also comply with the standards for projecting signs in subsection (8) of this section.

(5) Freestanding Signs. No part of a freestanding sign shall project or extend into any public right-of-way. These signs shall not exceed 30 feet in height, except as follows:

(a) Display and service drive signs shall not exceed seven feet in height, except that service drive signs located in vision clearance areas shall comply with the standards set forth for clear sight triangles.

(6) Marquee Signs. No marquee sign shall extend below the lower edge of a marquee. Marquee signs shall also comply with the standards for projecting signs in subsection (8) of this section.

(7) Monument Signs. Monument signs shall include a support structure of wood, masonry, or concrete that is incorporated into the overall design of the sign.

(8) Projecting Signs. Projecting signs shall not project more than eight feet beyond the property line and shall not be closer than two feet to any curb line. These 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.

(9) Roof Signs. Roof signs shall not exceed 30 feet in height.

(10) Wall Signs. A wall sign shall be placed flat against the wall within the sign band and shall not project more than four inches from the building. There are no height limitations for wall signs, except that no part of the sign shall extend above the roof eave or roof overhang of the wall on which it is mounted.

17.333.140 Temporary signs.

(1) Temporary signs shall be subject to the standards for signs permitted by zone in CBDC 17.333.150.

(2) Sign Types. Temporary signs include the following sign types:

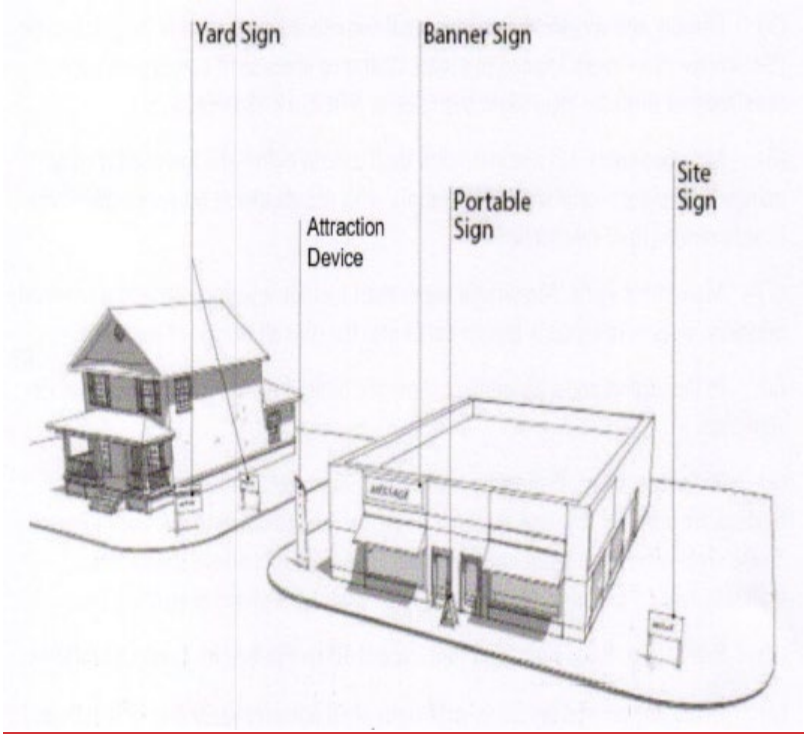
(a) Attraction devices.

(b) Portable signs.

(c) Site signs.

(d) Yard signs.

Figure 17.333.140(A) Temporary Sign Types-Examples



(3) Attraction Devices. There shall be no limit on the number of attraction devices allowed, except that the total aggregate sign area for all attraction devices on a single site shall not exceed 32 square feet. Attraction devices shall not obstruct any vehicle or pedestrian movement. Banners must be secured so as to avoid flapping in the wind. Flags must be affixed to permanent flagpoles or flagpoles that are mounted to buildings.

(4) Portable Signs. One portable sign per business. Portable signs shall not exceed a maximum of two faces. Portable signs such as sandwich board signs may be placed on sidewalks; provided, that a minimum of three feet of sidewalk width clearance remains available for pedestrian use. These portable signs shall be stored inside each day at close of business.

(5) Site Signs. In all zones, site signs shall not exceed a height of five feet and shall be set back a minimum of five feet from the property line.

(6) Yard Signs. In all zones, yard signs shall not exceed a height of five feet and shall be set back a minimum of five feet from the property line. There shall be no limit on the number of yard signs allowed on a single site.

17.333.150 Permitted signs by zone district.

(1) Generally. This section identifies those signs allowed within each of the separate zone districts and sets forth special standards.

(2) Residential Zones.

Residential Zones

No illumination, except that signs for nonresidential uses may be indirectly illuminated or include electronic display subject to CBDC 17.333.110.

Location	Sign Type	Number*	Sign Area**	Height*	Setbacks	Permit (Y/N)
SLR, LDR, LDR Overlay, and MDR						
Permanent Signs						

Single-unit and duplex dwellings	Wall sign	1	6 square feet	No higher than roof eave or overhang	N/A	Y
Home businesses and short-term rentals	Wall sign or Freestanding sign	1	2 square feet	No higher than roof eave or overhang	10 feet	Y
Residential care facilities, multi-unit dwellings, and nonresidential uses	Wall sign or Freestanding sign or Monument sign	1	15 square feet -or- 10% of the lot frontage*** *	No higher than roof eave or overhang	10 feet	Y
Subdivisions, certified factory-built home parks, planned unit developments, commercial and civic uses, and vacant land	Freestanding sign or Monument sign	1 to identify the premises	24 square feet	5 feet	10 feet	Y
Temporary Signs						
Undeveloped lots	Site sign	1 per street frontage	12 square feet	5 feet	5 feet	N
Developed lots	Yard sign	Multiple	Maximum aggregate area: 32 square feet	5 feet	5 feet	N
	Attraction devices	Multiple	Maximum aggregate area: 32 square feet	30 feet	Shall not obstruct any vehicle or pedestrian movement	N

* Maximum allowed, in addition to those signs allowed without permit in CBDC 17.333.070.

** All signs are allowed a maximum of two faces not to exceed the allotted sign area per face.

*** Whichever is greater.

(3) Nonresidential Zones.

Nonresidential Zones

Signs may be illuminated internally or indirectly or include electronic display subject to the standards set forth in CBDC 17.333.110.

Location	Sign Type	Number*	Sign Area**	Height*	Setbacks	Permit (Y/N)

C, MX, IC, WH, HP, and WI						
Permanent Signs						
Building, front/street frontage	Awning sign	Multiple	Maximum aggregate area: 1 square foot per linear foot of lot frontage along a street -or- 1-1/2 square feet per linear foot of a business building frontage along a parking lot***	30 feet**** Minimum clearance: 8 feet above pedestrian walkway 15 feet above public street, alley, driveway, or parking lot	Maximum projection: 8 feet beyond property line No closer than 2 feet to any curb line	Y
	Canopy sign	Multiple				Y
	Marquee sign	1 per building frontage				Y
	Projecting sign	1 per business frontage along a public way				Y
	Freestanding sign	1 per business sin addition to display and service drive signs		30 feet****	None	Y
	Monument sign	1 per business		8 feet	None	Y
	Roof sign	1 per building or lease space		30 feet****	3 feet from an exterior wall of the building	Y
	Wall sign	Multiple		No higher than roof eave or overhang	N/A	N
Building, side/back	Wall sign	Multiple	Maximum aggregate area: ½ square foot per linear foot of the length of the side/back of the building	No higher than roof eave or overhang	N/A	N
Special Provisions						
Multi-story building		The ground floor is entitled to 100 percent of the maximum aggregate area. All other floors are entitled to 50 percent of the maximum aggregate area. The total permitted sign area for any floor shall not exceed the maximum aggregate sign area allowed for the floor.				Y
Shopping centers		Each shopping center is allowed one sign not to exceed 100 square feet in area on each street frontage. In addition, each business shall be allowed sign area based upon the business's building frontage on a street or parking lot calculated as provided for nonresidential uses; these signs shall be wall signs.				Y

Medical Park		Each nonresidential use is allowed either one double-faced sign or two single-faced signs not to exceed 24 square feet in area. Residential uses shall comply with CBDC 17.333.150(2). Roof mounted signs and flashing, moving, or animated lights are prohibited.				Y
Urban Public		Excepting scoreboards, flashing, moving, or animated lights are prohibited.				Y
Temporary Signs						
Undeveloped lots	Site sign	1 per street frontage	32 square feet	5 feet	5 feet	N
Developed lots	Yard sign	Multiple	Maximum aggregate area: 32 square feet 10 square feet for portable signs	5 feet	5 feet	N
	Attraction devices	Multiple		30 feet	Shall not obstruct any vehicle or pedestrian movement	N
	Portable sign	1 per business		4 feet	Minimum of 3 feet width sidewalk clearance must remain available for pedestrians	
			32 square feet for trailer signs	5 feet	Shall not be placed in a public parking lot or in a residential zone district	

* Maximum allowed, in addition to those signs allowed without permit in CBDC 17.333.070.

** All signs are allowed a maximum of two faces. No sign shall exceed 300 square feet of area per face.

*** Whichever is greater.

**** Freestanding signs shall not exceed 30 feet in height measured from grade. Freestanding display and service drive signs shall not exceed seven feet, except that service drive signs located in a vision clearance area shall meet clear sight triangle standards.

17.333.160 Variances.

(1) The director may authorize variances from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this chapter would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of a prohibited sign or other sign not authorized within the zone in which the proposed sign would be located. In

granting a variance, the city may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this chapter.

(2) Criteria. No variance shall be granted unless it can be shown that all of the following conditions exist:

(a) Strict application of the specific code requirement would deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses because of an unusual or unique circumstance relating to the property or the proposal, such as site or building location, building design, physical features on the property, or some other circumstance.

(b) The sign which would result from the variance will not affect the surrounding neighborhood or other property affected by the request in a manner materially inconsistent with the purpose and intent of this chapter as stated in CBDC 17.333.010 and 17.333.020.

(c) The degree of the variance is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance identified pursuant to subsection (2)(a) of this section.

(3) Procedures. The procedures to be followed in applying for and acting on a variance shall be substantially the same as those provided in Chapter 17.340 CBDC.

(4) Time Limits. Expiration and extension of a variance authorized pursuant to this section shall be as set forth in CBDC 17.130.140.

18.70.170 Enforcement and appeals.

The planning administrator or, in the absence of a planning administrator, the director shall have the power and duty to enforce the provisions of this chapter; and an appeal from a ruling by the planning administrator or director shall be made to the planning commission, except as otherwise provided for in this section.

(1) Enforcement-Sign in Public Right-of-Way or on City-Owned Real Property.

(a) Any sign installed or placed in the public right-of-way or on city-owned real property, except in conformance with the requirements of this chapter, may be removed by the planning director as follows:

(i) Immediate confiscation without prior notice to the owner of the sign.

(A) Prior to confiscation, the location of the sign shall be documented by photograph.

(ii) The city shall store any sign ordered to be removed by the planning administrator for a period of 30 days from the time the person responsible therefore is notified as provided in this section.

(A) The city shall continue to store such sign for any additional period during which an appeal is under review.

(iii) If a telephone number or address of the owner of the sign, person responsible therefor, or person or business that is the subject of the communication on the sign is on the text of a sign, the city shall contact said person or business by telephone or by mail (based on the manner of contact stated on the sign) and advise that the sign was found in a location that the city believes to be a public right-of-way or city-owned real property and that no permit was issued for the placement of the sign in said location, and that the sign is not otherwise lawfully permitted to be in said location.

(A) The communication shall advise said person or business that the city has confiscated the sign and shall destroy the sign after 30 days from the time the person responsible therefor is notified, unless

either the sign is claimed or an appeal is submitted by the reputed sign owner to the planning director.

(B) If no telephone number or mailing address, or other form of contact, is stated for the owner of the sign on the sign, the city shall retain the sign for a period of 10 days to permit the sign owner to ascertain that the sign has been removed and to file an appeal.

(b) Notice of appeal must be filed with the planning division within 10 calendar days of the date that the planning administrator provides the notice of violation or, if the owner of the sign cannot be ascertained, the date when the sign is removed.

(i) Upon receipt of a timely filed appeal and payment of the applicable filing fee, a hearing shall be held within seven business days before a hearings officer appointed by the city manager. The planning administrator shall provide the reputed sign owner and the appropriate city staff at least three days' notice of the date, time, and place of the hearing.

(ii) The hearing shall be conducted by the designated hearings officer. Except for notice procedures which shall be as set forth in subsection (1)(b)(i) of this section, the procedures for the hearing shall be substantially the same as those provided in CBDC 17.130.100 and sufficient to provide the parties not less than the minimum due process required under state and federal law.

(c) A prima facie violation of this chapter shall be met if all of the following are shown to be true:

(i) The sign was located in a public right-of-way or on city-owned real property.

(ii) The sign owner is not a public entity or other public entity authorized under this chapter to install and maintain public signs within the public right-of-way.

(d) The sign owner may rebut the prima facie showing of violation upon a showing that the sign was lawfully permitted within the public right-of-way or on city-owned real property, or that the law does not require the sign owner to obtain a permit under this chapter to place a sign within the public right-of-way or on city-owned real property.

(e) The hearings officer shall issue a written decision within 10 days following the close of the hearing. The decision shall be based upon substantial evidence in the record. A copy of the decision shall be mailed to the reputed sign owner at such address as provided on the appeal form. The decision of the hearings officer shall be the final decision of the city.

(i) If the hearings officer determines that the sign was not lawfully placed upon the public right-of-way or city-owned real property, then, following any applicable appeal or review period, if the person responsible for the sign has not reclaimed the sign as provided herein, the planning director may destroy the sign or dispose of it in any manner deemed appropriate, in addition to other remedies imposed in this chapter.

(ii) If the hearings officer determines that the sign was lawfully placed upon the public right-of-way or city-owned real property, then the city shall reinstall the sign upon the same place that it was removed

from within three business days of the issuance of the decision and the fee for appeal shall be refunded to the payor of the fee.

(2) Enforcement-Sign on Private Property or on Non-City-Owned Public Property, Other Than on Public Right-of-Way.

(a) The planning administrator may order the removal of any sign erected or maintained on private property or on non-city-owned public property, other than on public right-of-way, in violation of the provisions of this chapter.

(b) An order to bring a sign into compliance or to remove a sign shall be in writing and mailed or delivered to the owner of the sign, if known, and the owner of the building, structure, or premises on which the sign is located, if the owner of the sign is not known.

(c) The order shall include all of the following:

(i) Photographic evidence depicting the sign that is the subject of the order.

(ii) A statement that the sign violates the regulations in this chapter.

(iii) The reasons why it has been concluded that the sign violates the regulations in this chapter.

(iv) A statement that the sign must be brought into compliance or be removed within 30 days of the date of the order.

(v) Information about the right to submit an appeal to determine whether or not the sign is in violation of this chapter.

(d) An appeal shall be filed by the reputed owner of the sign, or owner of the building, structure, or premises on which the sign is located, within 10 days following that date of the notice of violation. Appeals shall be filed with the planning division.

(e) Upon receipt of an appeal, the planning administrator shall proceed in the manner specified in subsection (1)(b)(i) of this section, and a hearing shall be held in the manner specified in subsection (1)(b)(ii) of this section and a decision issued pursuant to subsection (1)(e) of this section.

(f) A prima facie violation of this chapter shall be met if it is shown that either of the following is true:

(i) The sign does not conform to the requirements of this chapter.

(ii) The sign was placed by a person not authorized to place the sign in the specific location.

(g) The prima facie showing of a violation may be rebutted upon a showing that the sign was lawfully permitted or authorized under this chapter, or is otherwise required to be installed and maintained by state or federal law.

(h) If the hearings officer determines that the sign is not permitted or authorized by this chapter, or by other applicable state or federal law, then within l0 days following any applicable appeal period, the owner of the sign, or owner of the building, structure, or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to conform to the requirements of this chapter. A sign which is not removed or altered in such a manner as to be made to conform to the requirements of this

chapter is deemed a public nuisance and may be abated by the city of Coos Bay following the procedures in Chapter 8.10 CBDC for nuisance abatement.

(3) Enforcement-Removal of Unsafe Signs.

(a) If the building official finds that any sign regulated herein is unsafe or insecure as to constitute a real and present danger to the public, a written notice shall be mailed to the last known address of the sign owner and the property owner. If said sign is not removed, altered, or repaired so as to comply with the standards herein set forth within 30 days after such notice, the building official may cause said sign to be removed or altered to comply at the expense of the sign owner or property owner of the property on which it is located. The building official may cause any sign that is determined to be an immediate peril to persons or property to be removed summarily and without notice at the expense of the sign or property owner.

(b) An order for the removal of unsafe signs shall be in the same manner as provided in subsection (2) of this section, and the procedures for requesting a hearing, and the decision issued, shall be as set forth therein.

(4) Enforcement-Removal of Abandoned Signs.

(a) An owner of a sign shall remove the sign when it is abandoned.

(b) Abandonment of a sign shall be determined when it is shown that:

(i) The sign is no longer used by the person who constructed the sign or the property where the sign is located is no longer used.

(A) The sign owner may rebut the prima facie showing of this ground of abandonment upon a showing that a reasonable effort is underway to continue the use of the property or sign.

(ii) The sign has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued, once started.

(c) The planning administrator may order the removal of abandoned signs in the same manner as provided in subsection (2) of this section, and the procedures for requesting a hearing, and the decision issued, shall be as set forth therein.

~~**17.333.050 Special signs.**~~

~~Special signs require a permit and shall conform to the maintenance and safety requirements of CBDC 17.333.020 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 may only be erected in places and in a fashion authorized by the 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. Billboards are off-premises signs which are generally for hire. They 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. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.050].~~

~~17.333.060 Standards—Residential zoning districts.~~

~~(1) General. This section shall apply to all residential zones.~~

~~(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. On-site sign advertising a vacation rental shall not exceed 11 inches by 18 inches in size and no more than one sign shall be permitted.~~

~~(b) Subdivisions, factory-built home parks, PUDs, 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.~~

~~(iii) Commercial and civic uses shall be allowed both signs under subsection (2)(b) of this section; 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 CBDC 17.220.020, low-density residential locational criteria, 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 or above the roofline.

(c) Roof-mounted signs are prohibited.

(i) Height. Freestanding 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.

(ii) 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.

(iii) Lighting. Interior illumination, flashing, moving, or animated lights are prohibited.

(d) No sign in any residential zoning district shall inhibit vision of a dwelling unit address. [Ord. 549 § 3, 2022; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.060].

17.333.070 Standards – Mixed-use, commercial and industrial zoning districts.

(1) General. This section shall apply to all commercial and industrial zones established by this title, except the zoning districts regulated by CBDC 17.333.080, Standards – Medical park district.

(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 CBDC 17.333.020 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. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.070].~~

~~17.333.080 Standards—Medical park district.~~

~~(1) General. This section shall apply to the medical park and residential/professional zones established by this title.~~

~~(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 CBDC 17.333.060(2).~~

~~(3) Location and Placement. Signs may be located anywhere on the property, except in compliance with CBDC 17.333.020 and as follows:~~

~~(a) Residential Signs. 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. Roof mounted signs are prohibited.~~

~~(b) Commercial and civic use signs shall not project over public property.~~

~~(4) Height. Freestanding 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. Flashing, moving, or animated lights are prohibited. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.080].~~

~~17.333.090 Standards—Urban public district.~~

~~There shall are no special requirements applied in the urban public district established by this title, except that flashing, moving, or animated signs are prohibited, excluding scoreboards. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.337.090].~~

Section T. The text of Chapter 17.335 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.335.010 Purpose.
In addition to other development standards in this ~~land use code~~title, this chapter provides specific development standards for certain development and uses. In the event of a conflict between the general development standards and the supplementary development standards, the provisions of the supplementary development standards control.

17.335.015 Exceeding height limits.
The features listed below shall be ~~exempt from the established height limits in the zoning districts~~excluded from the building height calculation provided the limitations indicated for each are observed.

(1) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure, including chimneys, ventilators, plumbing vent stack, cooling towers, water tanks, panel, or devices for the collection of solar or wind energy, and the window-washing equipment, together with required visual screening for any such equipment and appurtenances.

(2) The minimum additional height required for elevators, stairs, mechanical penthouses, fire towers, skylights, flag poles, aerials, and similar objects but not including storage space or other equipment unless listed in subsection (1) of this section.

(3) ~~Ornamental and symbolic~~Architectural features not exceeding 200 square feet in gross floor area ~~including~~ such as steeples, flagpoles, electronic aerials, towers, spires, cupolas, belfries, and domes, where such features are not used for human occupancy.

17.335.020 ~~Height and location of fences~~Fences and walls.
(1) Residential Districts. ~~Residential f~~Fences and walls not greater than eight feet in height shall be permitted on or within all property lines, except ~~which are not~~ within any vision clearance areas.

~~(2) Fences and walls that conform with the standards required by the specific zones and this section may be constructed in required front yard, side yard and rear yard setbacks.~~

~~(3) Commercial fences or walls located in the following areas shall only be allowed subject to approval of a Type II review (Chapter 17.130 CBDC):~~

~~(a) Bayshore Drive between Elrod Avenue and Highland Avenue.~~

~~(b) Bayshore Drive north of Fir Avenue.~~

~~(c) South Empire Boulevard south of Newmark Avenue.~~

~~(d) 6th Avenue south of "F" Street.~~

~~(e) All area located in the downtown Coos Bay and Empire urban renewal areas in commercial land use districts.~~

~~(f) Chain link fences are prohibited in the areas noted in subsections (3)(a) through (e) of this section. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 532 § 2 (Att. B), 2020; Ord. 524 § 7 (Exh. A), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.020].~~

(2) Industrial-Commercial District. Screening in the form of trees, hedges, artwork, or any combination thereof, shall be placed along the exterior perimeter of fences and walls for a distance of no less than five feet at intervals no greater than 50 feet.

(3) Waterfront Heritage District. Different textures, colors, or materials (including landscape materials) shall be used along the length of a fence or wall visible from adjacent streets to break up the fence or wall surface.

(4) Manufactured Home Parks. 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.

(5) ~~Standard galvanized chain link fences visible from the main thoroughfares/right-of-way in the below areas is prohibited~~Prohibited fences. Chain link fences, except black vinyl-coated chain link fences, that are visible from the right-of-way are prohibited in the following areas:

(a) Bayshore Drive between Elrod Avenue and Highland Avenue.

(b) Bayshore Drive north of Fir Avenue.

(c) South Empire Boulevard south of Newmark Avenue.

(d) 6th Avenue south of "F" Street.

(e) ~~The~~Commercial zone districts within the downtown Coos Bay and Empire urban renewal areas.

~~**17.335.030 Solid waste.**~~
~~If refuse containers are used by more than one unit for temporary storage of solid wastes, the container(s) shall be screened from view from off site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.030].~~

17.335.030 Special access standards.
(1) Waterfront Heritage District. No new curb openings onto Front Street and North Bayshore Drive shall be permitted, unless a design exception is authorized in accordance with CBMC 18.10.060.

(2) Multi-Unit Dwelling Developments.

(a) Within a multi-unit dwelling development project, parking lots or driveways to individual dwelling units shall connect directly to a connector or arterial street or to a local residential street with direct access to an arterial or collector street.

17.335.040 Outdoor storage and equipment.
Outdoor storage, trash receptacles, mechanical equipment, communications equipment, utility vaults, and other similar equipment shall be screened in a manner so that they are not visible from adjacent streets, pedestrian

pathways, or the water. Screening shall be placed on all sides of storage areas other than where a building would act as a screen. Screening requirements do not apply to roof-mounted solar panels, heating, and air equipment.

~~Lighting.~~
~~(1) Street lighting shall be a required component of all residential, commercial and industrial developments within the city of Coos Bay.~~
~~(2) Lighting, including permitted illuminated signs, shall be designed and arranged so as to not:~~
~~(a) Reflect or cast glare into any residential zone;~~
~~(b) Rotate, glitter, or flash; or~~
~~(c) Conflict with the readability of traffic signs and control signals.~~
~~(3) General Light Location. Lighting shall only be installed adjacent to structures, walkways, driveways, or activity areas (decks, patios, spas and pools, and similar use areas) and focal landscape areas close to the residence or activity area.~~
~~(4) Mounted Light Location.~~
~~(a) Building-mounted lights shall be installed below the eave line.~~
~~(b) Exterior light fixtures may be mounted on any exterior wall or structure at a minimum of eight feet above the adjacent finished floor level. However, a light fixture adjacent to a second story balcony, deck, or exterior doors may be mounted on the wall at a maximum height of eight feet above the finished floor level.~~
~~(c) Lighting features on any site shall not exceed 15 feet and 25 feet in height for freestanding outdoor light features on industrial property.~~
~~(5) Fixtures. Exterior lighting shall be hooded and arranged to reflect away from adjoining properties and streets.~~
~~(6) Level of Illumination. Exterior lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the property. Light sources, intensity of light, and color of light shall be designed and located to achieve security or decorative lighting goals without causing an adverse impact on neighboring properties. Light sources shall be designed and located to minimize spillover of light or glare onto neighboring properties.~~
~~(7) Lighting Intensity. The lighting intensity within parking lots and adjacent areas shall be at least 1.0 foot-candle at all points, but shall not exceed an average of 3.0 foot-candles over the entire parking lot.~~
~~(8) Lighting Plan. A lighting plan is required for all applicable development demonstrating compliance with these lighting standards. Lighting plans shall be a required component of complete preliminary subdivision and partition applications. All lighting plans shall be approved by the director. [Ord. 541 § 6 (Exh. 1), 2021; Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.040].~~
~~17.335.050 Noise.~~
~~All development shall comply with the noise standards established in the city. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.050].~~
17.335.050 Emissions.
No land or structure shall be used or occupied unless the use or activity complies with the following minimum performance standards or is permitted through the Conditional Use process:

(1) Noise. Maximum permissible noise levels for a use or activity are those established by the Oregon Department of Environmental Quality pursuant to OAR 340-035-0035. Written documentation evidencing compliance with this standard may be required.

(2) Vibration. Site-generated vibrations that are perceptible by a person of ordinary sensitivity, without instruments, beyond any point of the property line, except vibrations from temporary construction activities and vehicles leaving the property (such as trucks, trains, airplanes, and helicopters), are prohibited.

(3) Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality. The emission of noxious gas or matter in such quantities as to be readily detectable at any point beyond the property line is prohibited.

(4) Heat and Glare. ~~Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.~~

(a) Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.

(b) Lighting, including permitted illuminated signs, shall be designed and arranged to minimize spillover of light and glare onto neighboring properties and to not:

(i) Reflect or cast glare into any residential zone.

(ii) Rotate, glitter, or flash.

(iii) Conflict with the readability of traffic signs and control signals.

(c) Freestanding outdoor lights shall not exceed 25 feet in height.

(d) Lighting shall only be installed on developed property.

(e) Mounted Light Location.

(i) Building-mounted lights shall be installed below the eave line.

(ii) Exterior light fixtures may be mounted on any exterior wall or structure at a minimum of eight feet above the adjacent finished floor level. A light fixture adjacent to a second story balcony, deck, or exterior doors may be mounted on the wall at a maximum height of eight feet above the finished floor level.

(f) Fixtures. Exterior lighting shall be hooded and arranged to reflect away from adjoining properties and streets.

(g) Level of Illumination. Exterior lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the property. Light sources, intensity of light, and color of light shall be designed and located to achieve security or decorative lighting goals without causing an adverse impact on neighboring properties.

(h) Lighting Intensity. The lighting intensity shall be in compliance with current industry standards. ~~at least 1.0 foot-candle at all points, but shall not exceed an average of 3.0 foot-candles over the entire parking lot.~~

(i) Lighting Plan. A lighting plan is required for all applicable development demonstrating compliance with these lighting standards. Lighting plans shall be a required component of complete preliminary subdivision and partition applications. The director reviews lighting plans for approval with the standards set forth in this title.

(5) Electromagnetic Interference. Electric fields and magnetic fields that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted are prohibited. This standard does not apply to telecommunication facilities regulated by the Federal Communications Commission.

17.335.060 Landscaping.

The following standards apply to required landscaping and screening on private property ~~required pursuant to this title~~. The city's public works department shall review and authorize landscaping and screening within public rights-of-way.

(1) Applicability.

(a) Non-residential and multi-unit dwelling development. ~~At a~~A minimum of ~~,~~15 percent of ~~each new commercial or industrial zoned lot or development must~~the lot must be landscaped to the standards within this chapter.

(b) Residential development. ~~At a~~A minimum~~, 15~~ of 20 percent of ~~new multi-unit dwelling developments must~~the lot shall be landscaped to the standards within this chapter.

(2) General.

(a) Applicants are encouraged to provide flexible landscaping design that takes advantage of natural features and addresses the use and function of the proposed development. Landscaping choices should consider the aesthetic qualities of the existing site and provide attractive variety in tree and shrub species, texture, color, height and density.

(b) Existing vegetation, vegetated stormwater management facilities, and pedestrian plazas may fulfill landscaping and screening requirements of this chapter if the existing landscaping provides at least an equivalent level of lot coverage and screening as the standard required for the development in question.

(c) As a condition of approval for a conditional use or ~~PUD~~planned unit development, the city may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.

(d) Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter.

(3) Landscape Standards.

(a) Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located ~~on~~ within a public right-of-way or private street easement, unless authorized by the city's public works department.

(b) Multi-unit dwelling developments shall provide the following:

(i) A ~~a~~ minimum five-foot-wide landscape screen along all property lines that abut a low density residential ~~zoning district~~zone district~~, per the standards of subsections (3)(b)(i) through (iii) of this section.~~ consisting of the following:

(A~~i~~) High shrubs that form a continuous screen, at least six feet high, within five years of planting.

(1) A masonry wall at least six feet high may be permitted as a substitute for the shrubs.

(~~ii~~B) One canopy tree per 30 linear feet as measured along interior lot lines.

(~~iii~~C) Living plant materials covering a minimum of 70 percent of the required landscape area within five years of planting.

~~(iv) A masonry wall at least six feet high shall be permitted as a substitute for the shrubs but the trees and other plant materials are still required.~~

(ii) A minimum 20-foot-wide landscaped area of no less than 360 square feet placed between individual parking clusters consisting of:

(A) A minimum of one 20-foot canopy shade tree per individual landscaped area.

~~(~~c) ~~Parking and loading areas~~Parking lots shall be landscaped as follows:

(i) A minimum ~~five-foot-wide (or~~ three-foot-wide~~)~~ landscaped strip shall be provided in the following areas:

(A) ~~w~~Along property lines where ~~vehicle parking or loading~~ a parking lot ~~adjoins a public road~~ abuts a right-of-way.

(B) Between two or more abutting parking lots which do not use a common driveway.

(C) Between a parking lot and a driveway which does not provide access to that parking lot.

~~, with planting maintained at either a height of two and one-half feet or a height determined acceptable by the review authority will be provided along the property lines adjacent to any public or private street or alley (except within the approved exit and entrance ways) whenever the parking or circulation abuts these streets..~~

(ii) Plantings shall be maintained at either a height of two and one-half feet or a height determined acceptable by the review authority.

(iii) ~~Parking areas throughout the development that contain at least seven spaces are required to provide perimeter parking area landscaping and parking area landscaping along street and driveway entrances. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from overhanging into this required area by using a wheel stop or curb. If a curb is used, the landscape islands shall be at least six feet wide.~~Parking lots containing 10 or more parking spaces shall include not less than seven percent landscaping distributed evenly throughout the entire parking area.

(~~iii~~A) ~~Off-street parking~~Parking lots in the Industrial-Commercial district shall include the planting of deciduous trees evenly throughout the parking facility to create a canopy effect at a ratio of one deciduous tree for every 10 parking spaces.

(iv) Architectural elements such as trellises, porches, and stairways may extend into planting islands between parking clusters.

~~(iii) Plantings Around Driveways for Parking Lots. Any of the following driveways or open parking areas shall be separated by a planting strip three feet wide:~~

~~(A) Where there are two or more parking lots or vehicles adjacent to one another which do not use a common driveway;~~

~~(B) Where a parking lot for vehicles abuts a driveway, which does not provide access to that parking lot.~~

~~(iv) Open Parking and Driveway Areas Landscaping. Seven percent of any open parking or driveway areas containing parking spaces for 10 or more vehicles shall be landscaped. Landscaping shall be distributed through the entire parking area as evenly as possible as required by the review authority.~~

(~~d~~ed) The applicant shall install required landscaping and screening consistent with the approved site plan or development, or an approved modification thereto, before the city issues an occupancy permit or final inspection for the development in question; the city may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.

(4) Plant Materials.

(a) Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. ~~Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the~~ The Sunset Western Garden Book provides guidance on appropriate plant materials.

(b) The applicant shall demonstrate and comply with the following:

(i) Plant materials shall be installed to current nursery industry standards.

(ii) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

(iii) Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain-link or other sturdy fence placed at the drip-line of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the drip-line of trees to be retained.

(c) All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.

(d) Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of three inches. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

(e) Trees. Except for street trees, trees shall be measured from the ground level at final planting to the top of the tree subject to the following standards~~.~~:

(i) Trees required ~~for parking and loading areas~~in parking lots shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.

(ii) Required deciduous trees ~~(other than street trees)~~ shall be fully branched, have a minimum caliper of one and one-half inches, and a minimum height of eight feet at the time of planting.

(iii) Required evergreen trees ~~(other than street trees)~~ shall be fully branched and a minimum of six feet high at the time of planting.

(iv) The review authority may reduce the minimum size of trees ~~(other than street trees)~~ if the applicant submits a written statement by a landscape architect registered in Oregon or expert in the growing of the tree(s) in question certifies that the reduction in size at planting will not decrease the likelihood the trees will survive.

(5) Maintenance and Irrigation.

(a) Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming, or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections.

(b) Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:

(i) A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development in question~~; or~~.

(ii) A temporary irrigation system will be acceptable, provided the applicant submits a statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question which certifies that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall~~; or~~.

(iii) A permanent or temporary irrigation system will not be installed to serve the landscape area in question; provided the applicant submits the following:

(A) A statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall; and

(B) A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the city.

(6) Site Landscaping and Design Plan. A landscaping and design plan for all development shall be submitted for review and approval prior to the issuance of a building permit, which review may be conducted concurrent with the processing of the building permit, demonstrating compliance with Section 17.335.060 CBDC.

17.335.070 Drive-ins/drive-throughs.
Drive-in/drive-through uses and facilities are subject to the following standards and conditions:

(1) All drive-in/drive-through service facilities shall provide a designated parking area for two cars in close proximity to the facility or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.

(2) Drive-in/drive-through facilities shall be designed and verified by a traffic engineer that vehicles will have appropriate stacking distance, will not obstruct any vision clearance and shall maintain clear drive aisles, pedestrian walkways and public rights-of-way. Drive-up/drive-through design shall assure prohibition from backing into a vehicular or pedestrian path of travel.

(3) The sound level of communications systems shall comply with CBMC Title 9.

(4) All components of a drive-in/drive-through use shall be removed within one year of discontinuation of the use through abandonment, relocation, or redevelopment.

(5) No demolition of or exterior change to a building considered to be a city-designated cultural resource or listed on the National Register of Historic Places shall be permitted to accommodate a drive-in/drive-through use

17.335.080 Indoor marijuana-related businesses.
Marijuana-related businesses may be operated indoors only and shall meet all of the following requirements:

(1) Location. The business must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home or greenhouse, nor within 1,000 feet of another marijuana-related business of the same type.

(2) Outdoor Storage. Outdoor storage for merchandise or any material associated with a marijuana business is prohibited.

(3) Site Plan Review Consistency. Modifications to the subject site or exterior of a building housing the business must be consistent with Chapter 17.130 CBDC, Procedures.

(4) Design criteria for processing and production facilities are subject to the following site and building design criteria:

(a) Security bars or grates on windows and doors are prohibited.

(b) Building frontage on Highway 101/Bayshore Drive shall include exemplary design and is subject to review by the design assistance team.

(5) Disposal. The business must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the business's exterior refuse containers.

(6) Light and Glare. For production of marijuana, shield lighting systems and window coverings are required to confine light and glare from the interior of the structure.

(7) Building Code. Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with a business shall satisfy the building code requirements and obtain all required building permits prior to installation.

(8) Property Owner Claim Waiver Requirement. The property owner of a structure in which an indoor marijuana business is to be located shall record a declaration which waives any claim or right to hold the city liable for damages they or a tenant may suffer from state or federal enforcement actions for activities the city permits as a result of its approval of the proposed use or development once such approval is granted. Furthermore, the owner and tenant agree not to unreasonably disobey the city's order to halt or suspend business if state or federal authorities order or otherwise subject the city to enforcement to comply with laws in contradiction to the continued operations of the business as permitted in Table 17.235.020 – I-C Uses.

(9) A marijuana-related business must obtain an approved license or registration from the state of Oregon and meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.

(10) Marijuana Production. Marijuana production shall be limited to 5,000 square feet of gross leasable floor area per lot.

(11) Drive-Up Use. A marijuana retail sales outlet shall not include a drive-up facility or use.

17.335.090 Pedestrian and bicycle access.

(1) Pathways within developments shall provide safe, reasonably direct and convenient connections between primary entrances and all on-site parking lots, adjacent streets, adjacent properties, and existing or planned transit stops based on the following definitions:

(~~1~~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.

(~~2~~b) Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(~~3~~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.

(~~4~~d) For residential buildings the "primary entrance" is the front door (i.e., facing the street).

(~~5~~e) 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.

(~~6~~2) Pathways shall be concrete, asphalt, brick/masonry pavers, or another city-approved durable surface meeting ADA requirements.

(~~7~~3) Retail, office, and institutional developments proposed on the same site as, or adjacent to, an existing or planned transit stop as designated in an adopted transportation or transit plan shall provide the following transit access:

(a) Reasonably direct pedestrian connections between the transit stop and primary entrances of the buildings on site. For the purpose of this section, "reasonably direct" means 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 users.

(b) The primary entrance of the building closest to the street where the transit stop is located that is oriented to that street.

(c) Easements and/or transit stop improvements in coordination with the transit service provider and consistent with an adopted plan, pursuant to CBDC 17.335.100.

(4) Developments along the waterfront shall provide pedestrian access to and along the waterfront.

17.335.100 Transit facilities.
Developers shall coordinate and provide documentation of coordination with Coos County Area Transit, the local transit provider, with regard to the design of the street and other transportation facilities that are located within 100 feet of existing or planned transit routes and stops and of development sites that are adjacent to existing or planned transit stops. ADA-accessible transit stop improvements, pedestrian connections to transit stop locations, and furnishings such as shelters, benches, bicycle racks, and/or other amenities may be required by public works, consistent with adopted plans.

17.335.110 Zero lot line development.
(1) Standards. The general conditions of the district shall prevail in addition to the special standards listed in this section. (See Figure 17.335.110.)

(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 applicable building code authorized by CBMC Title 15 and determined by the building official.

(c) Required side setbacks shall be kept perpetually free of obstructions, guaranteed by notations on the plat and/or covenants running with the land.

(~~c~~d) 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 emergency service vehicles.

(~~d~~c) When two dwellings are built against the same zero lot line, no portion of them shall project over any property line.

(f) Townhouse dwelling residential developments are restricted to housing clusters of six units or less.

(g) The minimum landscaping requirement may be satisfied by one of the following:

(i) Providing 200 square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot.

(ii) Providing 200 square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit.

(~~e~~h) 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 as a condition of project approval to be recorded prior to occupancy. 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.

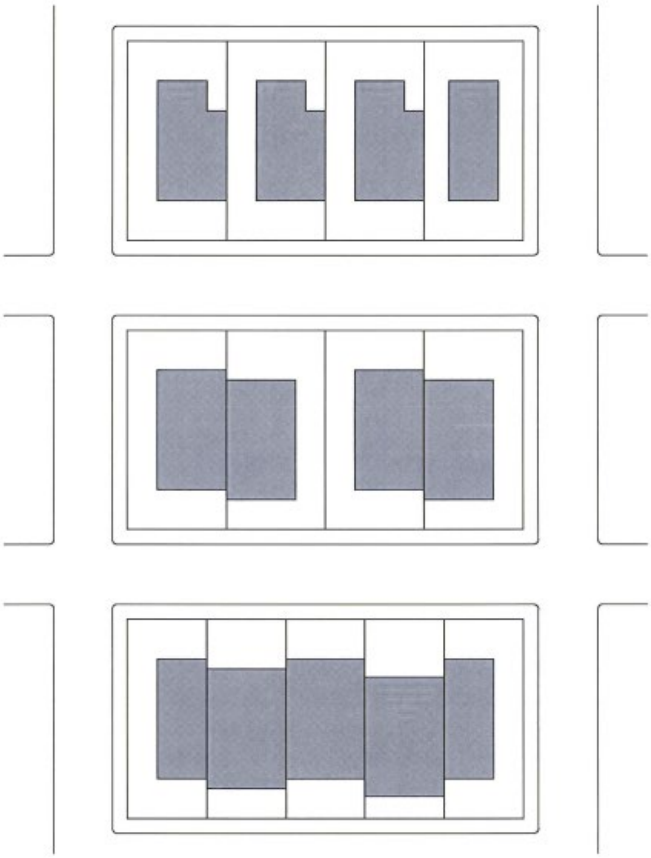
(ii) Each owner shall carry fire and liability insurance on their portion of the building with the contiguous owner(s) also listed on the policy.

(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 17.335.110

Examples of Zero Lot Line Development



17.335.120 Multi-unit dwelling standards.
The purpose of these development standards is to ensure that multi-unit dwellings provide for a physical environment with visual interest consistent with the Coos Bay comprehensive plan land use chapter.

(1) Applicability.

(a) Multi-unit dwelling standards shall apply to all multi-unit developments in all zones. In cases where the multi-unit dwelling standards apply, they shall be considered applicable for the portion of the development site impacted by the proposed development.

(b) Multi-unit dwelling standards shall also apply to mixed use developments in commercial zones with the exception of storefronts, areas for lobbies (serving residential and commercial uses), stairs, elevators, and other nonresidential use areas.

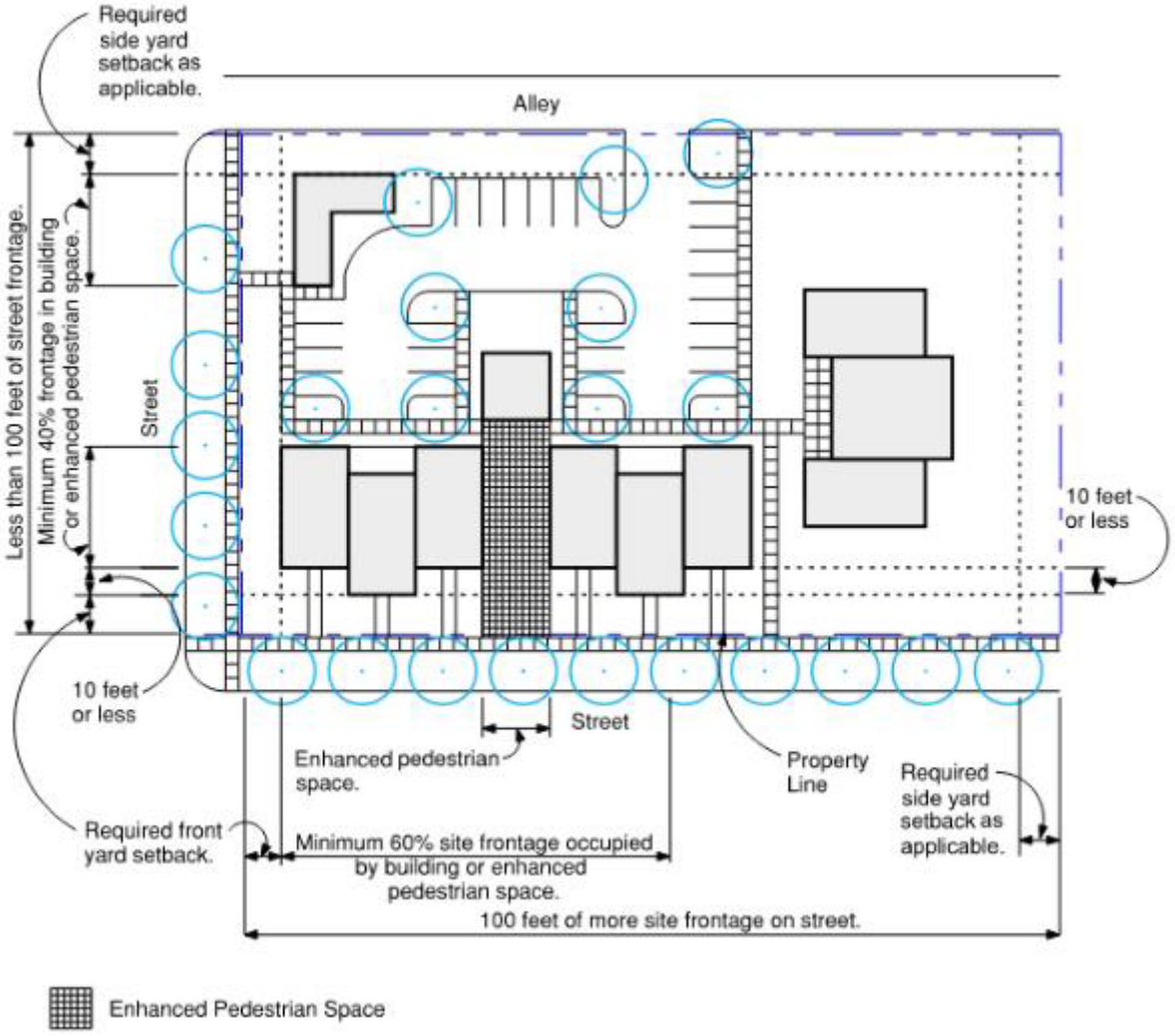
(c) Multi-unit dwelling standards shall apply to cottage clusters, recreational vehicle parks, and tiny home communities.

(2) Building Height. The maximum building heights allowed are those permitted according to the applicable ~~zoning district~~zone district.

(3) Required Setbacks. The required building setbacks are those required in the applicable ~~zoning district~~zone district in addition to the following requirements:

(a) Street Frontage. On development sites that will result in 100 feet or more of public or private street frontage, at least 60 percent of the site frontage abutting the street (including required yards) shall be occupied by a building(s) or enhanced pedestrian space placed within 10 feet of the minimum front yard setback line. On development sites with less than 100 feet of public or private street frontage, at least 40 percent of the site width shall be occupied by a building(s) placed within 10 feet of the minimum front yard setback line. "Site width," as used in this standard, shall not include areas of street frontage that have significant natural resources as mapped by the city, delineated wetlands, slopes greater than 20 percent, recorded easements, required fire lanes or other similar nonbuildable areas, as determined by the director. (See Figure 17.335.120(3)(a) – Multi-Unit Minimum Building Setback Along Streets.)

Figure 17.335.120(3)(a) – Multi-Unit Minimum Building Setback Along Streets



(b) Setback intrusions permitted are those required according to CBDC 17.335.130, Setbacks – Intrusions Permitted.

(4) Building Orientation and Entrances.

(a) Building Orientation. Multi-unit dwelling buildings located within 30 feet of a front lot line shall have the primary orientation toward the street. Buildings proposed to be side oriented to public streets due to access

requirements, dimensional constraints and/or compatibility with other on-site buildings are exempt from this requirement.

(b) Ground Floor Building Entrances. An entrance(s) of ground floor units of any residential building located within 30 feet of a street must face the front lot line. Entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions shall apply:

(i) On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.

(ii) For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement.

(iii) For buildings proposed to be oriented away from public streets due to access requirements, dimensional constraints and/or compatibility with other on-site buildings, main entries may face away from the street provided both of the following apply:

(A) There is an on-site pedestrian pathway between the new building entrance and the street. On-site pedestrian pathways shall be designed and constructed to provide a direct and clearly identified connection from the building entrance to the existing public right-of-way and public accessways.

(B) The ground floor building side facing the street shall contain windows that occupy a minimum of 10 percent of the facade.

(5) Building Mass and Facade.

(a) Maximum Building Dimension. Neither the maximum length nor width of any building within 30 feet of a front lot line can exceed 150 feet.

(b) Windows. Street facades shall contain windows covering a minimum of 10 percent of the facade on each floor level.

(6) Building Articulation.

(a) Articulation Requirement. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, changes of material, varying roof heights or types, or similar elements. At least two of these design features shall be incorporated along the horizontal face (side to side) of the structure on each floor, to be repeated at intervals of no more than 20 feet.

(b) When offsets and projections are used to fulfill articulation requirements, the offset or projection shall vary from other wall surfaces by a minimum of two feet. Such changes in plane shall have a minimum width of six feet.

(c) Individual and common entry ways shall be covered by roofs, awnings, or porticos.

(7) Site Landscaping.

(a) Landscaping shall be installed consistent with CBDC 17.335.060, Landscaping. The required landscaping shall be placed within the required front yard setback area and may be pierced by pedestrian and vehicular access ways. All areas of a site not devoted to structures, driveways, or walkways shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.

(8) Open Space. A minimum of 15 percent open space of the total site area shall be provided unless exempt under other provisions of the CBDC. Required open space may be provided as common open space and/or private open spaces with a minimum of 30 percent of the required open space shall be pervious area with living plant material.

(a) Common Open Space. Common open space may include any of the following:

(i) Outdoor areas incorporating:

(A) Lawn or hard surfaced areas to be used for active or passive recreation in which user amenities such as trees, shrubs, planters, pathways, tables, benches or drinking fountains have been placed.

(B) Ornamental or food gardens.

(C) Common open space for passive recreational use.

(D) Children's play areas.

(E) Roof terraces, patios, porches, and internal courtyards.

(ii) Common open space may also include up to 30 percent of the required area in natural resource areas, such as steep slopes greater than 25 percent, forested areas, conservation areas and delineated wetlands provided the area includes passive walking trails meeting the following standards in Table 17.335.120(8)(a)(ii) – Common Open Space Natural Resource Areas:

Table 17.335.120(8)(a)(ii) – Common Open Space Natural Resource Areas

Characteristic	Requirement
Width	4' (with passing areas) – 10'
Surface	Soil, gravel, fiber (or engineered wood fiber equivalent), wood chips
Longitudinal Slope	0 – 5% (8% for max. 50')
Cross-Slope	2%
Radius	Aesthetic consideration
Sight Distance	N/A except road crossings
Easement Width	Tread + 10' min.
Side Slope	Varies

(iii) Outdoor common open space shall comply with all of the following:

(A) The minimum area for any single outdoor common open space shall be 225 square feet.

(B) At least one area of outdoor common open space shall be a minimum of 15 feet by 15 feet.

(C) The minimum dimensions for any portion of outdoor common open space in the front yard setback shall be at least 15 feet by 15 feet. The minimum dimensions for any other portion of outdoor common open space shall be at least 10 feet by 10 feet.

(D) Required setback areas and areas required to comply with landscape standards may be applied toward the minimum open space requirements when the minimum dimensions of such space meet the standards in subsections (8)(a)(iii)(A) through (C) of this section.

(E) Outdoor common open spaces shall not be used as parking areas.

(b) Private Open Space. Private open space is outdoor space directly adjacent to a dwelling unit providing an outdoor area for private use by the occupants of the dwelling unit. Private open space, where provided, shall meet the minimum standards in Table 17.335.025(8)(b) – Minimum Private Open Space Sizes:

Table 17.335.120(8)(b) – Minimum Private Open Space Sizes

Location	Minimum Area	Minimum Dimension
Ground Level	100 square feet	10 feet
Balcony	18 square feet	3 feet
Roof Terrace	80 square feet	8 feet

(i) Balconies located within 20 feet of property zoned LDR and SLR shall not be counted as private open space.

(ii) To be counted toward the minimum required, private open space may be covered, but cannot be enclosed. Private open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has more than three sides taller than 42 inches in height.

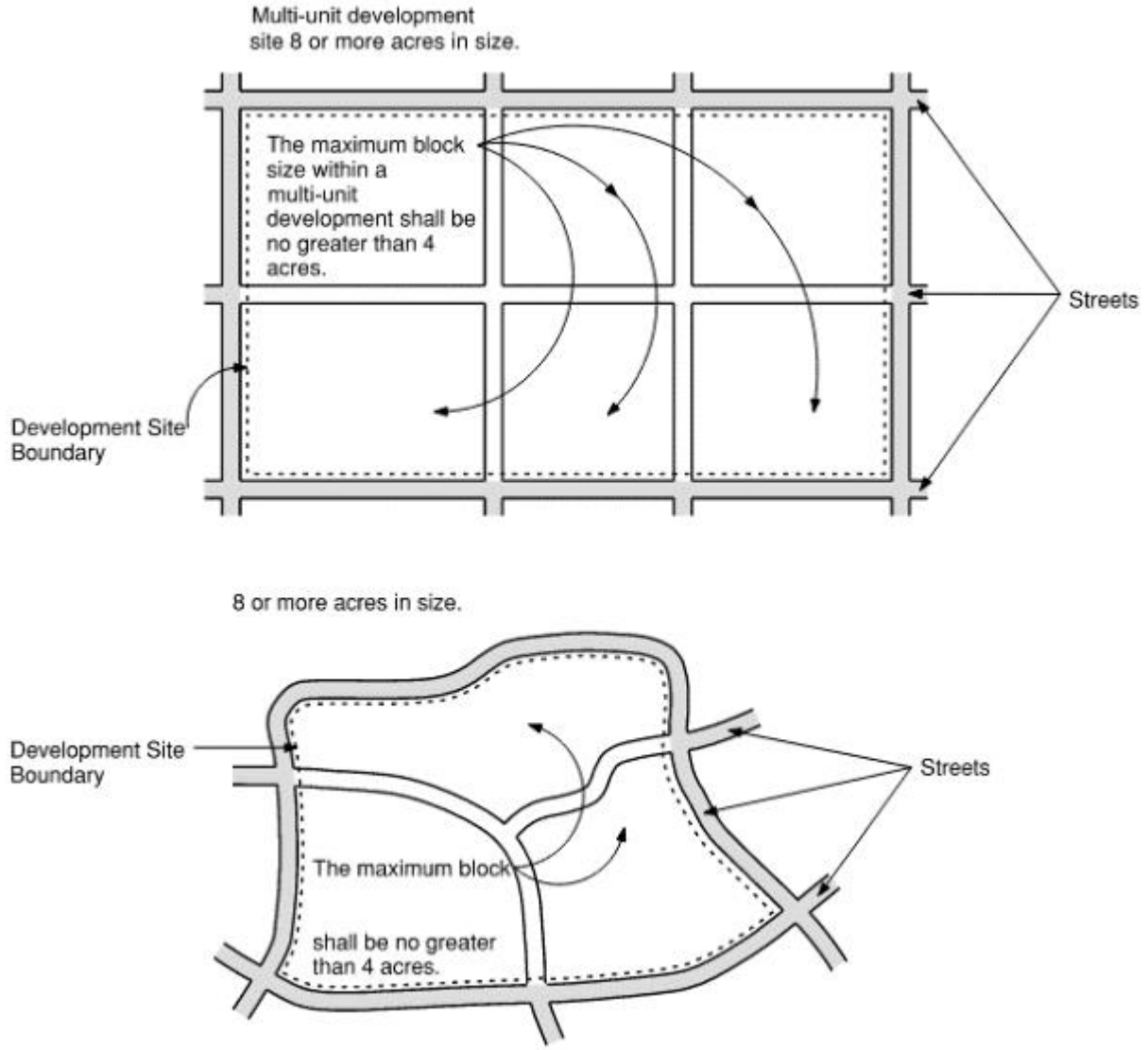
(iii) Ground level private open space shall be screened or buffered from adjacent private open space and dwellings by landscape, fencing or partitions. Such screening or buffering shall be a minimum of 30 inches in height.

(c) Ground level common and private open space shall be physically separated and screened from adjacent parcels per CBDC 17.335.060, Landscaping.

(9) Block Requirements.

(a) Block Structure. Multi-unit developments eight or more acres in size shall be developed as a series of complete blocks bounded by public right-of-way or private drive aisles or streets. Natural areas, waterways, high voltage power lines, and other similar substantial physical features may form up to two sides of a block. The maximum block size within a multi-unit dwelling development shall be no greater than four acres in size. (See Figure 17.335.120(8~~9~~)(a) – Multi-Unit Block Requirements.)

Figure 17.335.120(9)(a) – Multi-Unit Block Requirements



(10) On-Site Pedestrian Circulation.

(a) Multi-unit dwelling developments shall provide safe on-site pedestrian circulation designed and constructed to provide a direct connection to existing public right-of-way and public accessways.

(b) Multi-unit dwelling developments shall connect any new building entrances on a site to all other new and existing building entrances on the same site, except entrances used primarily for loading and unloading freight and egress only entrances.

(11) Recycling and Garbage Areas. Multi-unit developments shall provide screening for outdoor garbage and recycling collection areas according to CBDC 17.335.030, Solid waste.

(12) Lighting. Multi-unit dwelling developments shall provide exterior lighting according to CBDC 17.335.040, Lighting.

17.335.130 Setbacks – Intrusions permitted.

(1) Applicability. Except as restricted by easements or other restrictions on title, the intrusions in this section may project into required front, side and rear yard setbacks to the extent and under the conditions and limitations indicated.

(2) Depressed Areas. In any zone, fences, hedges, guard railings or other landscaping or devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required setbacks; provided, that such devices are not more than 42 inches in height.

(3) Projecting Building and Site Features.

(a) Notwithstanding projection limitations authorized or limited by CBMC Title 15, intrusions permitted in setbacks include Table 17.335.130(3)(a) except as provided in subsection (3)(b) of this section:

Table 17.335.130(3)(a) – Setbacks – Intrusions Permitted

Architectural Feature	Setback		
	Front	Side	Rear
Awnings	18 inches	–	18 inches
Balconies	48 inches	–	48 inches
Bay windows, garden windows	18 inches	18 inches	18 inches
Chimneys	18 inches	18 inches	18 inches
Cornices, belt courses, buttresses, pilasters, pillars, sills	12 inches	12 inches	12 inches
Eaves	24 inches	24 inches	24 inches
Trellis structures and patio covers	24 inches	18 inches	48 inches

(b) Permitted Mechanical Equipment Projections. Mechanical equipment shall not be located within any required front or side yard setback and shall not be set back less than three feet from the rear lot line; however tankless water heaters may encroach 24 inches into interior side or rear yards.

(4) Fences and Walls. Fences and walls that conform with the standards required by the specific zones and CBDC 17.335.020 may be constructed in required front yard, side yard and rear yard setbacks.

(5) Public Bus Shelters. Public bus shelters may be located in required front yard, side yard and rear yard setbacks, provided vision clearance is maintained for vehicles passing on the street and leaving the development site.

(6) Driveways. Except as provided in Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements and CBMC Title 15, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.

(7) Parking Spaces in Required Setbacks.

(a) Except as provided in Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements, and CBMC Title 15, in areas with a broad zone category of residential, parking in required front, side and rear yard setbacks is permitted with the following restrictions:

(i) Parking spaces in required front yard setbacks are permitted in conjunction with a single-unit dwelling, accessory dwelling, or duplex, provided the parking spaces are located on driveways.

(ii) For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.

(iii) Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback nor shall parking occur in the side yard. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.

(b) Except as provided in Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements, and CBMC Title 15, in areas within the industrial commercial zone, parking spaces and parking areas are permitted in any required rear yard setback that is not adjacent to a residential or commercial zone.

(8) Utilities.

(a) Structures necessary for the operation and maintenance of public and private utilities may be located in required front yard, side yard and rear yard setbacks, provided these structures are screened as per CBDC 17.335.060, Landscaping, and vision clearance is maintained.

(b) With director approval, features such as below grade transformers, backflow prevention devices and closures, which have a low visual impact may be located in required front yard, side yard and rear yard setbacks, provided these structures are screened as per CBDC 17.335.060, Landscaping, and vision clearance is maintained.

(9) Poles. Poles for outdoor lights or government flags shall be permitted in any required setback.

17.335.140 Affordable housing incentives.

Development incentives are provided to encourage the development of affordable housing as supported in the Coos Bay comprehensive plan.

(1) Housing Location and Type. The incentives in this section may be considered in any ~~zoning district~~zone district where housing is permitted for the following housing types:

(a) Housing for Sale. Housing for which the mortgage, amortized interest, taxes, insurance, and condominium or association fees meet the United States Department of Housing and Urban Development (HUD) defined fair market sales prices in Coos County for HUD income eligible households.

(b) Housing for Rent. Housing for which the rent and related costs meet the HUD defined fair market rent for HUD income eligible households.

(2) Incentive Types. A variety of incentives may be considered by the city and may include but are not limited to the following:

(a) Density Bonus. A density bonus for affordable housing (as defined in Chapter 17.150 CBDC) may be authorized as a part of the land use review process but prior to the issuance of a building permit or recordation of a final map related to a development project for density bonuses specified in Table 17.335.140. The owner must enter into an affordable housing development agreement and execute any and all documents deemed necessary by the city in a form to be established by the city attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) for the following:

(i) Ensure the timely completion of affordable housing.

(ii) Establish the length of time the units will remain affordable.

(iii) Related to units for sale, resale limitations to retain affordability for the duration of the agreement for individuals and families meeting the criteria of subsection (1)(a) of this section.

(iv) Related to units for rent, specific criteria related to retention of rental rates for affordability to individuals and families meeting the criteria in subsection (1) of this section.

Table 17.335.140

Residential Zone	Density Range	Percent/number of affordable units based on maximum density	
For purposes of calculating maximum density, fractional units are rounded down to the next whole unit. For purposes of calculating the number of affordable units and density bonus units, fractional units are rounded up to the next whole unit.*		10%	20%
Small lot residential (SLR)	Max. 12 units/gross acre	1 unit	2 units
Low density residential (LDR)	Max. 10 units/gross acre	NA	1 unit
Low density residential overlay (LDR-Overlay)	Max. 16 units/gross acre	2 units	3 units
Medium density residential (MDR)	10 – 25 units/gross acre	2 units	5 units
* For example, on a 10,000-square-foot lot, nine units are permitted. Of the nine units, the developer proposes 20 percent of the units to be affordable (nine units x 20 percent = 1.8 units, which is rounded up to two units). Therefore, of the nine units, two must be affordable. Since the applicant is proposing 20 percent of the units as affordable, the developer may receive a corresponding density bonus of 20 percent (nine units x 20 percent = 1.8 units, which is rounded up to two additional units). Therefore, the proposed project may have 11 units, two of which must be affordable.			

(b) Residential Zone Building Height Incentive. An increase in building height not to exceed 10 feet above the height of the ~~zoning district~~zone district may be allowed for multi-unit dwellings when the additional units gained by the height increase are affordable housing units.

(c) Commercial Zone Building Height Incentive. An increase in building height not to exceed 52 feet above the height of the ~~zoning district~~zone district may be allowed for multi-unit dwelling when the additional units gained by the height increase are affordable housing units.

(d) Lot Coverage Incentive. For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with subsection (1) of this section the entire development may develop with an 80 percent lot coverage.

(e) Lot Area and Dimensions Incentive. For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with subsection (1) of this section, the required lot area and dimensions for the proposed lots or parcels may be reduced up to 30 percent for the entire residential development. For affordable housing developments where less than 50 percent of the dwelling units are deemed affordable in conformance with subsection (1) of this section, the required lot area and dimensions for the proposed affordable housing dwelling units' lots or parcels may be reduced up to 30 percent.

(f) Parking Requirement Reduction. The parking requirement for affordable dwelling units is one on-site parking space per affordable dwelling unit.

17.335.150 Solar use and placement.

The use of solar energy systems, both active and passive, including solar collectors, storage facilities, and other necessary components for space heating and cooling, swimming pool heating, and water heating is a permitted use in all districts subject to the requirements of CBMC Title 15.

17.335.160 Placement of utilities.

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

Section U. Chapter 17.342 CBDC is repealed.

~~**Chapter 17.342**~~

~~**ALTERATIONS OF FINAL PLATS AND PARTITIONS**~~

~~Sections:~~
~~17.342.010 Revisions to approved plats recorded and nonrecorded.~~
~~**17.342.010 Revisions to approved plats recorded and nonrecorded.**~~
~~The developer shall file the final partition or subdivision plat and attached documents for recording with the Coos County assessor and a copy of the recorded document to the city of Coos Bay within 60 days. No person or body may change a final plat in any respect except through the appropriate post-decision approval process or plat amendment process and as approved by the director. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.352.010].~~

Section V. The text of Chapter 17.360 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.360.010 Comprehensive plan amendment.
(1) The boundaries of the comprehensive plan map designations and the comprehensive plan text may be amended as provided in CBDC 17.360.020.

(2) The city may amend its comprehensive plan and/or plan map. The approval body shall consider the cumulative effects of the proposed comprehensive plan and/or map amendments on other ~~zoning district~~zone districts and uses within the general area. Cumulative effects include sufficiency of capital facilities services, transportation, zone and location compatibility, and other issues related to public health and safety and welfare the decision-making body determines to be relevant to the proposed amendment.

17.360.015 Zoning text and map amendment.
The boundaries of the ~~zoning district~~zone districts established on maps by this title, the classification of uses therein, or other provisions of the title may be amended as provided in CBDC 17.360.020.

17.360.020 Initiation of amendment.
(1) Amendments of the comprehensive plan text or map, zoning map, or this title may be initiated by the city council, the planning commission, the director, or by application of a property owner or their authorized agent by following:

(a) Quasi-Judicial Process. Subject to a Type III land use procedure. See CBDC 17.130.100.

(b) Legislative Process. Subject to a Type IV land use procedure. See CBDC 17.130.110.

(2) Amendments to the text or map of the Coos Bay Estuary Management Plan shall be processed by Coos County.

17.360.030 Pre-application review.
(1) An application for a Type III or Type IV review is subject to pre-application review under CBDC 17.130.035, Pre-application review.

(2) An applicant for pre-application review for a plan map amendment or zone change shall submit the requisite fee and three paper copies and one electronic copy of the following information except as otherwise provided by the city:

(a) A completed form provided by the city for that purpose;

(b) The name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;

(c) A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the plan map amendment and/or zone change, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch-by-11-inch page. Principal features of the plan shall be dimensioned; and

(d) A written summary of the proposed plan map amendment and/or zone change and facts and evidence based on which the application(s) can be approved.

17.360.040 Application contents.
(1) An amendment application shall include the requisite fee and three paper copies and one electronic copy of the applicable information required by CBDC 17.130.050(2), Technically Complete Status.

(2) A technically complete application shall contain:

(a) A map of the proposed amendment, if applicable;

(b) The complete proposed text amendment, if applicable;

(c) A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable;

(d) An analysis of the potential cumulative effects of the proposal;

(e) Materials required under CBDC 17.130.050(2); and

(f) Other materials the director deems necessary.

17.360.~~060~~050 Approval criteria.

(1) With a Type IV review, the city council shall approve the proposal upon finding that:

(a) The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map;

(b) The proposed amendment is in the public interest;

(c) Approval of the amendment will not result in a decrease in the level of service for capital facilities and services;

(d) The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

(e) The proposed amendment is consistent with the adopted transportation system plan and would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and

(f) The proposed amendment shall be consistent with the OAR 660-012-0060 requirements. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the amendment request or mitigate the impacts in accordance with the TPR and applicable law.

17.360.~~070~~060 Expiration and extension.

A decision approving or conditionally approving a Type III request enacted by ordinance, other than a concomitant rezone, does not expire.

17.360.~~080~~070 Concomitant rezone.

(1) Rezone Agreements.

(a) The purpose of this subsection is to allow for the implementation of the comprehensive plan policies relating to future commercial centers and industrial developments, as appropriate and consistent with the Coos Bay comprehensive plan and Coos Bay capital improvement plan. If, from the facts presented, and the findings, report and recommendations of the planning commission as required by this section thereof, the city council determines that the public health, safety and general welfare will be best served by a proposed change of zone, the city council may indicate its general approval, in principle, of the proposed rezoning by the adoption of a "resolution of intent to rezone" the area involved. This resolution shall include any conditions, stipulations or limitations which the city council may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the city council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or lot coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance.

Upon completion of compliance action by the applicant, the city council shall, by ordinance, effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution,

including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the city council upon recommendation of the planning commission. Generally, the time limitation shall be one year. The city council may grant one one-year extension, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.

(b) Concomitant Rezone Agreements.

(i) Purpose. The purpose of this subsection is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent CBDC requirements.

(ii) Applicability. This agreement process will not generally be used for rezones to residential ~~zoning district~~zone districts. It may, however, be used in any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas or areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, and non-single-family residential not specifically identified by the comprehensive plan map. The intent is that concomitant rezone agreements shall only be used when normal review and approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.

(iii) Mitigating Measures. The agreement may include mitigating measures, such as:

(A) Access control;

(B) Landscaping, screening, buffering;

(C) Improvements to public services, including drainage, sewer, water and roads;

(D) Lot coverage, dimension; and

(E) Phasing of development.

(iv) Concept Plan. A concept plan may be required. When required, the concept plan shall be drawn to a one-inch-to-100-foot scale and include:

(A) General location of structures;

(B) Location and number of access points;

(C) Approximate gross floor area of structures;

(D) Name of the proposal;

(E) Identification of areas requiring special treatment due to their sensitive nature;

(F) North directional arrow; and

(G) Names and location of all public streets or roads bordering the site.

(v) Application Procedure. The applicant may propose an agreement concomitant to rezone approval at the time of, or after, a pre-application conference with the director.

The proposed agreement shall include any proposed mitigating measures and concept plan as provided for by this chapter. In cases where a specific project is to be considered in conjunction with a rezone request, the responsible review authority shall review the site plan.

(vi) Modifications. Modifications which are minor and without major impact may be approved by the director or his/her duly authorized representative, administratively and without public hearing. Any other modifications shall only be approved after the same procedure applicable to all rezones has been followed, including a public hearing.

(vii) Enforcement. The agreement shall provide for appropriate enforcement mechanisms and performance guarantees.

(2) Release of Concomitant Rezone Agreements.

(a) Upon petition by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the city council following a public hearing with notice as prescribed by CBDC 17.130.110(3)(a), Notice of Hearing, 17.130.060, Distribution of notices, and in accordance with the criteria set forth in this section.

(b) In considering requests for release or modification of concomitant rezone covenants, the review authority shall consider the following:

(i) In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and comprehensive plan recommendations; and

(ii) In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and

(iii) In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments; and

(iv) In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.

Section W. The text of Subsection (2) of Section 17.362.040 CBDC is amended to read as follows (new text / ~~deleted~~ text):

Density. Dwelling unit densities for subdivisions and residential non-subdivision development projects may exceed the allowed density of the ~~zoning district~~zone district but remain in compliance with the CBCP. The difference between the expanded density and the permitted density in the underlying zone shall be designed, sized and developed for affordability to individuals and families within 50 percent of the Coos Bay median income.

Section X. The text of Section 17.363.020 CBDC is amended to read as follows (new text / ~~deleted~~ text):

17.363.020 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.

~~The director shall determine whether a property line adjustment is reviewed as a Type I or Type II review or is referred to the planning commission.~~

(1) Application. Prior to filing an application, the department shall meet with the prospective applicant. 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, shall include the following information:

(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;

(iv) Location and purpose of easements, if applicable; and

(v) A copy of the deed for the properties involved and any covenants, conditions, and restrictions applicable to the subject property.

(c) *Repealed by Ord. 503*.

(d) A property line adjustment shall not be in violation of any applicable 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. 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. The applicant shall record an amended deed with Coos County.

(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 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 acknowledgment. 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.

Section Y. The text of Subsection (2) of Section 17.365.010 CBDC is amended to read as follows (new text / ~~deleted~~ text):

Deviation from underlying development standards and residential land uses is permitted, except for landscaping requirements, parking requirements and density specifications. Deviation from the development standards in the underlying ~~zoning district~~zone district may be considered by the review authority without a requirement for an adjustment review. However, no deviation is permitted from CBMC Title 15 criteria and/or state of Oregon standards related to development of environmentally sensitive or hazardous areas.

Section Z. The text of Subsection (2) of Section 17.367.020 CBDC is amended to read as follows (new text / ~~deleted~~ text):

After a subdivision application is deemed to be technically complete, the review of the application for a preliminary plat approval is, based on size and scope, subject to ~~either Type II criteria specified in CBDC 17.130.020(4)(b) with the procedure specified in CBDC 17.130.090 or Type III criteria specified in CBDC 17.130.020(4)(c) with the procedure specified in CBDC 17.130.100~~Chapter 17.130 CBDC.

Section AA. The text of Subsubsection (b) of Subsection (3) of Section 17.367.040 CBDC is amended to read as follows (new text / ~~deleted~~ text):

For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the ~~zoning district~~zone district.

Section BB. The text of Section 17.370.020 CBDC is amended to read as follows (new text / ~~deleted~~ text):

Seventy-five vacation rentals and an unlimited number of homestays may be permitted in the SLR, LDR and MDR ~~zoning district~~zone districts consistent with underlying ~~zoning district~~zone district development and use standards and CBDC 17.370.030.

Section CC. The text of Subsection (6) of Section 17.372.015 CBDC is amended to read as follows (new text / ~~deleted~~ text):

If more than one adjustment is being requested, identify the effect of all adjustments and how granting the adjustments will still result in a project that is consistent with the purpose of the ~~zoning district~~zone district where the project is located. If only one adjustment is requested, this requirement does not apply.

DRAFT Recommended Findings

RECOMMENDED FINDINGS OF FACT

I. REQUEST

This proposal amends the text of the City of Coos Bay Development Code (CBDC) as follows:

- Chapter 17.130, Procedures
  - For clarity and consistency with code and current processes.
  - Simplifies planning review types and application requirements.
  - Removes architectural design review.
  - Floodplain development review changes from Type I to General review.
- Chapter 17.150, Definitions
  - For clarity and consistency with code and current processes.
  - Adds the following terms: “abut”, “adult entertainment”, “child care center”, “civic use”, “development”, “director”, “division”, “family child care home”, “horticulture”, “impracticable”, “landscaping”, “pedestrian plaza”, “stormwater treatment facility, vegetated”, “water-dependent use”, water-enjoyment use”, water-related use”, and “water oriented use”.
- Chapter 17.210, Establishment of Zoning Districts and Maps
  - For clarity and consistency with code and the comprehensive plan.
- Chapter 17.220, Low Density and Small Lot Residential Districts
  - For clarity and consistency with code and current processes.
  - Addresses HB 2727 and ORS 329A.440 related to child care.
- Chapter 17.225, Medium Density Residential District
  - For clarity and consistency with code and current processes.
  - Addresses HB 2727 and ORS 329A.440 related to child care.
- Chapter 17.230, Commercial Districts
  - For clarity and consistency with code and current processes.
  - Addresses HB 2727 and ORS 329A.440 related to child care.
  - Allows for single-unit and duplex dwelling development on small commercial lots, 15,000-sf or less.
  - Simplifies design standards.
- Chapter 17.235, Industrial-Commercial District
  - For clarity and consistency with code and current processes.
  - Addresses HB 2727 and ORS 329A.440 related to child care.
  - Simplifies design standards.
- Chapter 17.240, Waterfront Heritage District
  - For clarity and consistency with code and current processes.
  - Addresses HB 2727 and ORS 329A.440 related to child care.
  - Simplifies the tables for allowed use and development and lot standards.
  - Simplifies design standards.
  - Removes architectural design standards.
- Chapter 17.245, Waterfront Industrial District
  - For clarity and consistency with code and current processes.

- Chapter 17.255, Urban Public District
  - For clarity and consistency with code and current processes.
  - Addresses HB 2727 and ORS 329A.440 related to child care.
- Chapter 17.260, Medical Park District
  - For clarity and consistency with code and current processes.
  - Addresses HB 2727 and ORS 329A.440 related to child care.
- Chapter 17.310, General Provisions
  - Clarifies the general provisions apply to land divisions.
  - Adds the provision for revision to approved plats, previously CBDC 17.342.010.
- Chapter 17.312, Accessory Dwelling Units
  - For clarity and consistency with code and current processes.
- CBDC 17.314.010(1)(b), Accessory Use or Building on a Separate Lot or Parcel
  - For clarity and consistency with code and current processes.
- Chapter 17.322, Certified Manufactured Home, Recreational Vehicles, and Park Models Parks and Individual Lot Standards
  - For clarity and consistency with code and current processes.
  - Addresses HB 4064 and ORS 197.314 related to manufactured dwelling siting standards.
- Chapter 17.328, Nonconforming Uses
  - For clarity and consistency with code and current processes.
- Chapter 17.330, Off-Street Parking and Loading Requirements
  - For clarity and consistency with code and current processes.
  - Incorporates WH zone district exemptions.
- Chapter 17.333, Signs
  - For compliance with laws requiring content-neutral sign regulations.
- Chapter 17.335, Supplementary Development Standards
  - For clarity and consistency with code and current processes.
  - Consolidates supplementary standards previously dispersed throughout code.
  - Allowance for black vinyl-coated chain link fences where visible from the right-of-way where chain link would, otherwise, be prohibited.
- Chapter 17.342, Alterations of Final Plats and Partitions
  - Repealed, moved to Chapter 17.310 CBDC, Land Division General Provisions.
- Chapter 17.360, Plan Amendments and Zone Changes
  - For clarity and consistency with code and current processes.
  - For consistency, use of “zone district” term.
- CBDC 17.362.040(2), Planned Unit Development
  - For consistency, use of “zone district” term.
- CBDC 17.363.020, Replats and Property Line Adjustments
  - For clarity and consistency with code and current processes.
- CBDC 17.365.010(2), Cottage Cluster Housing
  - For consistency, use of “zone district” term.
- CBDC 17.367.020(2), Subdivisions
  - For clarity and consistency with code and current processes.

- CBDC 17.367.040(3)(b), Subdivisions
  - For consistency, use of "zone district" term.
- CBDC 17.370.020, Vacation Rentals and Homestays
  - For consistency, use of "zone district" term.
- CBDC 17.372.015(6), Adjustment Review
  - For consistency, use of "zone district" term.

See Land Use Application #_____ attached hereto as Attachment __ and incorporated herein by reference.

II. BACKGROUND

The City of Coos Bay Development Code (CBDC) falls under Title 17 of the Coos Bay Municipal Code (CBMC). This code sets forth the provisions regulating land use development in city-limits. It is updated as needed to comply with State and Federal laws as well as to align with current internal processes. The current code is inconsistent, difficult for staff to implement, difficult for the public to utilize, presents barriers to development, and is not current with laws related to content-neutral sign regulations and the siting of child care facilities and manufactured dwellings.

The current proposal updates the text of this code for clarity, ease, and for consistency with current State and Federal laws and internal processes. While this proposal is fairly substantial it is not a complete comprehensive update to CBDC Title 17, future updates can be expected.

III. NOTICE

The Department of Land Conservation and Development was notified of the proposal to amend the text of the City of Coos Bay Comprehensive Plan on _____, 2025. Notice was mailed to interested parties and posted at City Hall and on the City website on _____, 2025, published in the City's Friday Update newsletter on _____, 2025, and published in The World Newspaper on _____, 2025.

IV. COMMENTS

As of the date of this application, the following written comments have been received:

_____

Staff / Agency Comments

As of the date of this staff report, the following staff and agency comments have been received:

_____

V. APPROVAL CRITERIA

Chapter 17.130 CBDC, Procedures.
Chapter 17.360 CBDC, Plan Amendments and Zone Changes.

CBDC 17.360.020 Initiation of amendment.
(1) *Amendments of the comprehensive plan text or map, zoning map, or this title may be initiated by the city council, the planning commission, the director, or by application of a property owner or their authorized agent by following:* ***(b)*** *Legislative Process. Subject to a Type IV land use procedure. See CBDC 17.130.110.*

FINDING: The Community Development Director initiated these text amendments via the Type IV Land Use Review process to address code inconsistencies, to remove barriers to development, to make the text easier to use/implement, and to be in compliance with laws related to content-neutral sign regulations and the siting of child care facilities and manufactured dwellings. This application for Development Code text amendment is consistent with CBDC 17.360.020.

CBDC 17.130.035 Pre-application review.

(1) *Requirement. Unless otherwise expressly provided in this title, all applications subject to Type III or Type IV review are subject to pre-application review unless the director waives the requirement in writing.*

FINDING: This application is city-initiated and city-led making a pre-application review unnecessary. Therefore, this application is consistent with CBDC 17.130.035(1).

CBDC 17.130.040 Application contents for all application types.

(1) *All land use applications subject to a Type I, II, III, or IV review shall contain at a minimum the contents listed in Table 17.130.040(1) – Minimum Requirements for All Applications.*

(2) *A project site plan identifying existing conditions to remain, and the proposed development and/or land use. The site plan shall include all relevant information from Table 17.130.040(2) – Site Plan Requirements determined by the director to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable CBCP, this title, and other city and state policies, regulations, and approval criteria applicable to the application.*

(3) *Any additional information including but not limited to Table 17.130.040(3) – Additional Contents required by the director to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable CBCP, this title, and other city and state policies, regulations, and approval criteria applicable to*

the application.

***(4)** Additional application contents associated with a specific application required for the proposed development and/or land use. See Table 17.130.040(4) for specific permit/review applications and applicable code sections with additional application contents and process requirements.*

FINDING: A complete application including the DRAFT text amendments and supportive findings to address the criteria was submitted on _____, 2025. Therefore, this application is consistent with CBDC 17.130.040.

Amendment applications are, also, subject to CBDC 17.360.040.

CBDC 17.360.040 Application contents.
***(1)** An amendment application shall include the requisite fee and three paper copies and one electronic copy of the applicable information required by CBDC 17.130.050(2), Technically Complete Status.*
***(2)** A technically complete application shall contain:*
***(a)** A map of the proposed amendment, if applicable; **(b)** The complete proposed text amendment, if applicable; **(c)** A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable; **(d)** An analysis of the potential cumulative effects of the proposal; **(e)** Materials required under CBDC 17.130.050(2); and **(f)** Other materials the director deems necessary.*

The fee for this application is waived because it is City-initiated. The proposal implicates all land within city limits. The application submittal includes the proposed DRAFT text amendments and a written narrative with supportive findings that address the criteria. One paper copy and one electronic copy of the application was provided because it has been determined that one paper copy and one electronic copy is a sufficient number of copies for review. Therefore, this application is consistent with CBDC 17.360.040.

CBDC 17.130.050 Review for technically complete status.

***(1)** Applicability and Schedule. Before accepting an application subject to a Type I, II, or III review, the director shall determine within 30 calendar days after the application is submitted whether the application is technically complete.*

FINDING: This application is for a Type IV review. Therefore, CBDC 17.130.050 is not implicated.

CBDC 17.130.060 Distribution of notices.
The city shall provide all required notices subject to Type II, III, or IV review to:

(1) *The applicant and the applicant's representative; (a) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and (b) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing or transmittal confirmation executed by the person who did the mailing or notification shall be conclusive evidence that notice was provided to parties listed or referenced in the certificate;*

(2) *Agencies with jurisdiction, including transportation and transit agencies; and*

(3) *Other persons with standing who request such notice in writing.*

FINDING: This application is for a Type IV Legislative Land Use Review. The City is the applicant. Notice of this land use application review was provided to affected agencies and all interested persons. Therefore, this application is consistent with CBDC 17.130.060.

CBDC 17.130.070 Approval criteria.
The authorizing authority shall approve a land use application if the applicant has sustained the burden of proving that:

(1) *The application complies with the applicable regulations of the Coos Bay comprehensive plan and development code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary variances have been approved; or that adopted conditions of approval have been met prior to final plat approval.*

FINDING: Refer to findings under CBDC 17.360.060(1).

(2) *The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations.*

FINDING: The current proposal does not include new development; therefore, CBDC 17.130.070(2) is not implicated.

(3) *The development will not have a significant adverse effect on adjacent properties or public facilities.*

FINDING: The current proposal does not include new development; therefore, CBDC 17.130.070(3) is not implicated.

CBDC 17.130.110 Type IV procedure.

(1) *Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.*

FINDING: An application for Type IV Land Use Review (Amendments) consistent with CBDC 17.130.040 was submitted to initiate a Type IV procedure. The approval criteria for text amendments are set forth in CBDC 17.360.060, addressed below in this final order.

(2) *Notice of Application. Twenty days prior to the director's decision, the city shall mail a written notice of the application to property owners within 300 feet of the application site.*

(a) *Contents of a Notice of Application Subject to Type IV Review. The notice of Type IV application shall contain at least the following information:* ***(i)*** *The file number;* ***(ii)*** *The name(s) and address(es) of the applicant and owner;* ***(iii)*** *The legal description of the site;* ***(iv)*** *The street address or other easily understood geographical reference to the subject property;* ***(v)*** *A description of the proposal and a listing of the approval criteria by applicable code section number;* ***(vi)*** *A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;* ***(vii)*** *The name and contact information of the city representative to contact regarding the application;* ***(viii)*** *An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;* ***(ix)*** *A statement outlining the appeals process.* ***(x)*** *The date, time and place of the hearing;* ***(xi)*** *A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission;* ***(xii)*** *A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed;* ***(xiii)*** *A statement that interested parties may testify orally or in writing at the public hearing;* ***(xiv)*** *A statement of the date, time, and place for the city council public hearing in accordance with the rules of procedure adopted by the city council; and* ***(xv)*** *A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed.*

FINDING: This application is for a legislative Type IV Land Use Review that implicates more than a single/small area of land. Therefore, CBDC 17.130.100(2) is technically not applicable.

(b) *Comments. The city shall provide the applicant a copy of comments timely received in response to the notice.*

FINDING: The City of Coos Bay is the applicant for this text amendment application and the record keeper of all comments received. CBDC 17.130.100(2)(b) is satisfied.

(c) *Distribution of Notices. Refer to CBDC 17.130.060.*

FINDING: Refer to findings under CBDC 17.130.060, above in this final order.

(3) *Public Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the planning commission and one or more public*

hearings before the city council. The planning commission and city council may combine their meetings into one public meeting.

FINDING: The Planning Commission conducted a public hearing on this matter on _____, 2025. The City Council conducted a public hearing on this matter on _____, 2025. Therefore, CBDC 17.130.100(3) is satisfied.

***(a)** Notice of the Initial Planning Commission Hearing. At least 20 calendar days before the date of the first planning commission hearing regarding an application subject to a Type IV process, the director shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. If the Type IV procedure is related to a specific property, public notice shall be mailed as specified in subsection (2) of this section to property owners within 300 feet of the application site. At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be posted at City Hall, on the city website, and in the local newspaper.*

FINDING: Proper notice of the Planning Commission public hearing was mailed to interested/affected persons and posted at City Hall and on the City Website on _____, 2025, and published in The World Newspaper on _____, 2025, prior to a decision, in accordance with CBDC 17.130.100(3)(a).

***(b)** Staff Report. At least seven calendar days before the date of the first planning commission or joint planning commission/council hearing, the city shall issue a written staff report regarding the application. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards. The city shall mail a copy of the staff report to the review authority and to other parties who request it and post an electronic copy of the staff report on the city website. Copies of the staff report also shall be available at the public hearing.*

FINDING: The staff report was made available on _____, 2025, more than seven (7) days in advance of the scheduled public hearing. Therefore, this application complies with CBDC 17.130.100(3)(b).

***(c)** Public Hearing Procedure. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded on audio or audiovisual tape.*
***(i)** At the conclusion of a planning commission or joint planning commission/council hearing on an application subject to a Type IV process, the planning commission or, in the case of a joint planning commission/council meeting, the council shall announce one of the following actions, which may not be appealed: **(A)** That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall*

be given as though it was the initial hearing; or ***(B)*** *That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation.* ***(C)*** *That, in the case of a joint planning commission/council hearing, the council may take action as noted in subsection (3)(c)(iii) of this section.*

FINDING: This land use application was considered at a public hearing conducted in accordance with the procedures set forth in CBDC 17.130.100(3)(c) on _____, 2025, before the Planning Commission, and on _____, 2025, before the City Council. Therefore, this application is consistent with CBDC 17.130.100(3)(c).

CBDC 17.130.140 Expiration and extension of decisions.

(1) *Except as otherwise expressly provided by the Coos Bay development code or the decision in question, decisions made pursuant to this chapter expire four years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or the permit is inaugurated as defined in Chapter 17.150 CBDC.*

FINDING: This legislative land use decision is final as of the effective date of Ordinance No. _____. CBDC 17.130.140 is not implicated when the City Council adopts a legislative land use decision by ordinance.

CBDC 17.360.060 Approval Criteria.

(1) *With a Type IV review, the city council shall approve the proposal upon finding that:*

(a) *The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map.*

Finding: The City of Coos Bay Development Code (CBDC) falls under Title 17 of the Coos Bay Municipal Code (CBMC). This code sets forth the provisions regulating land use development in city-limits. It is updated as needed to comply with State and Federal laws as well as to align with current internal processes. The current code is inconsistent, difficult for staff to implement, difficult for the public to utilize, presents barriers to development, and is not current with laws related to content-neutral sign regulations and the siting of child care facilities and manufactured dwellings. The proposal updates the text of this code for clarity, ease, and for consistency with current State and Federal laws and internal processes.

The proposal is consistent with the Coos Bay Comprehensive Plan as follows:

7.2 Energy Conservation

EC.7 Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer, and water lines, are more energy efficient than new construction in "unserviced" undeveloped areas.

The proposal updates CBDC to afford opportunities for infill residential development on small, vacant commercial lots and remove architectural design standards.

7.5 Economic Development

Economic Goals

Goal 3: *Align land use and infrastructure with economic priorities.*

The proposal updates CBDC to afford opportunities for infill residential development on small, vacant commercial lots, removes architectural design standards, and streamlines the process for child care facilities.

7.6 Housing

Policy 1.1 Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

The proposal updates CBDC to afford opportunities for infill residential development on small, vacant commercial lots and remove architectural design standards.

9.1 Coos Bay Land Use Plan 2000

Residential Areas
Objective 5 - This plan shall maintain a sufficient amount of residential lands in order to assure an adequate amount of housing for future residents.

The proposal makes no changes to the current inventory of residential land.

Commercial Areas
Objective 3 – Except where otherwise prohibited in the Comprehensive

Plan, residential development, including higher density development, shall be allowed in commercial areas to complement commercial uses and provide needed housing. This can include, but is not necessarily limited to, stand-alone residential development and residential uses above or behind commercial uses.

The proposal makes no changes to the current inventory of commercial land. Additional opportunities for infill residential development are afforded on small, vacant commercial lots.

Industrial Areas
Objective 1 - Industrial land is intended to provide an area where more intense uses are allowed to locate. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth). This area also provides residential locations to support industrial uses.

The proposal makes no changes to the current inventory of industrial land.

Public Participation Strategies

CI.1 *Coos Bay shall continue to utilize, support, and publicize its Citizen Involvement Program and the efforts of the Committee for Citizen Involvement (CCI), which is charged with the responsibility of coordinating general public knowledge about and involvement in all phases of the ongoing planning and community development process. The city recognizes the advantages of broad-based community input to the quality and public acceptability of its planning and community development decisions.*

The City has a robust public involvement program, providing opportunities to disseminate information to the public via public meetings, the local newspaper, the City website, the Friday Update newsletter, and social media. Information about the proposal was disseminated to the community via postings at City Hall, on the City website and social media sites, as well as via the City's Friday Update newsletter. Through the legislative text amendment process, proper public notice was provided including but not limited to following newspaper publication procedures. The Coos Bay Planning Commission held the first public hearing on the matter where public comment was received; the Coos Bay City Council held the second public hearing on the matter where additional public comment was received prior to adopting a final decision.

For these reasons, this proposal is consistent with Public Participation Strategy CI.1.

(b) *The proposed amendment is in the public interest.*

FINDING: Adoption of the proposed amendments is in the public interest because the result is consistency with State and Federal laws and because City resources can be more efficient and effective when implementing a clear and objective code and because development is made easier when barriers are removed, furthering the economic outlook of Coos Bay.

Therefore, this proposal will provide a long-term benefit to the community and is in the public interest of the citizens of Coos Bay and is consistent with CBDC 17.360.060(1)(b).

(c) *Approval of the amendment will not result in a decrease in the level of service for capital facilities and services identified in the Coos Bay capital improvement plan(s).*

FINDING: The proposal does not allow a new development nor does it allow for any new uses or activities nor any new policies that would impact capital facilities and services.

Therefore, this application is consistent with CBDC 17.360.060(1)(c).

(d) *The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;*

FINDING: The proposal makes no changes to the planned transportation system.

Therefore, CBDC 17.360.060(1)(d) is not implicated.

(e) *The proposed amendment is consistent with the adopted transportation system plan and would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and*

FINDING: The proposal remains consistent with the adopted transportation system plan because no new facilities, land uses, or activities are proposed that would impact the performance standards of a transportation facility.

Therefore, the proposal is consistent with CBDC 17.360.060(1)(e).

(f) *The proposed amendment shall be consistent with the OAR 660-012-0060 requirements. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the amendment request or mitigate the impacts in accordance with the TPR and applicable law.*

FINDING: The proposal has no significant effect on a transportation facility because no

new uses or activities are contemplated to be added to the existing list of permitted uses and activities in Coos Bay; no new impacts to a transportation facility are expected as a result of the proposal.

Therefore, the proposal is consistent with CBDC 17.360.060(1)(f).

VI. COMPLIANCE WITH STATEWIDE PLANNING GOALS

FINDING: This proposal is consistent with Oregon Statewide Planning Goals. The following Statewide Planning Goals are not implicated: Goal 3—Agricultural Lands, Goal 4—Forest Lands, Goal 5—Natural Resources, Scenic and Historic Areas, and Open Spaces, Goal 6—Air, Water and Land Resources Quality, Goal 7—Areas Subject to Natural Hazards, Goal 8—Recreational Needs, Goal 14—Urbanization, Goal 15—Willamette River Greenway, Goal 18—Beaches and Dunes, Goal 19—Ocean Resources.

This proposal is consistent with Goal 1—Citizen Involvement. Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in CBDC 17.130.110. The Department of Land Conservation and Development was notified of the intended amendments on _____, 2025. Public notice was provided via postings at City Hall and on the City's website and social media sites, as well as publications in the City's Friday Update newsletter and in The World Newspaper on _____, 2025. Public hearings were held before the Planning Commission on _____, 2025, and before the City Council on _____, 2025.

This proposal is consistent with Goal 2—Land Use Planning. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposal followed the process established in CBMC Title 17 for text amendments to the City Code.

This proposal is consistent with Goal 9—Economic Development. The City recently completed an updated Economic Opportunities Analysis (EOA) that includes analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends and inventories buildable commercial and industrial lands, providing the City with current information about the state of the Coos Bay economy. This proposal makes no changes to the current inventory of commercial and industrial land.

This proposal is consistent with Goal 10—Housing. This proposal has a positive effect on the development of housing because it will result in the further availability of needed housing units at price ranges and rent levels

which are commensurate with the financial capabilities of Oregon households because processes will be streamlined, barriers to development, such as architectural design standards will be repealed, and because residential development will be allowed on small, vacant commercial lots by right. The City's standards on flexibility of housing location, type, and density, otherwise, remain unchanged. Housing developments continue to be encouraged and supported across all zone districts.

This proposal is consistent with Goal 12-Transporttaion. The City's adopted Transportation System Plan (TSP) remains valid and the text of CBDC remains consistent with the TSP.

This proposal is consistent with Goal 13-Energy Conservation. The City's higher capacity lands and zone districts continue to be near higher capacity transportation systems. Smaller lots, less than 15,000-sf, that remain vacant, not utilized for commercial development are now available for infill residential development.

This proposal is consistent with Goal 16-Estuarine Resources. The City has adopted the Coos Bay Estuary Management Plan (CBEMP). This proposal does not result in the permitting of any new uses or activities, or the restriction of any existing water dependent uses, in areas subject to the CBEMP.

This proposal is consistent with Goal 17—Coastal Shorelands. The proposal makes no changes to the current manner by which shorelands especially suited for water dependent uses are preserved.

CONCLUSION: Based on the application submittal and information available at City Hall, and as outlined herein, the proposal complies with all criteria for approval of an application for a Comprehensive Plan Text Amendment. Therefore, Land Use Permit Application #_____-PLNG is APPROVED.