

Title 18

ZONING

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Chapter 18.04

GENERAL PROVISIONS

Sections:

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- 18.04.030 Definitions.
- 18.04.040 Compliance with ordinance and issuance of occupancy permits.
- 18.04.050 Classification of zones.
- 18.04.060 Zoning map.

18.04.010 Title.

This title shall be known as the zoning ordinance of the city of North Bend. (Ord. 1952 § 1(4), 2006)

18.04.020 Basis and purpose.

(1) The council of the city of North Bend finds that the boundaries of the districts and the classifications, standards, rules and regulations contained in this title are based on two planning studies. The first of such studies was conducted by the planning commission, city staff and professional planners from the Bureau of Municipal Research and Service of the University of Oregon over a three-year period resulting in the enactment of this title on February 27, 1962. An additional planning study was initiated in 1975 and was conducted by the city council, planning commission, city staff, citizen committee and professional planners for the Coos-Curry Council of Governments resulting in a new comprehensive plan and conforming amendments to this title.

(2) The council further finds and determines that it is necessary in the interest of the public health, morals, safety, order, comfort, convenience, prosperity and welfare to divide the city into use districts and to provide classifications, standards, rules, and regulations for the use and development of property within those districts in order to safeguard the orderly growth and development of the city, to protect values and uses of property, to secure the safety and well-being of the public, and to prevent the creation of nuisances. (Ord. 1952 § 1(4), 2006)

18.04.030 Definitions.

In the following subsections are definitions of terms used in this title. If a term is not defined in this title, then it shall have the definition provided in the building code which is enforced within the city at the time that the definition becomes applica-

ble. As used in this title, the masculine includes the feminine and neuter and the singular includes the plural.

(1) "Accessory structure or use" means a structure or use incidental and subordinate to the main use of the property and which is located on the same lot with the main use. A home occupation is an accessory use.

(2) "Alley" means a narrow public right-of-way through a block primarily for utilities and access to the back or side of properties fronting another street.

(3) Apartment House. See "Dwelling, multi-family."

(4) "Billboard" means a sign which advertises a business, commodity or activity which is not sold, manufactured or conducted on the property where the sign is located.

(5) "Building" means a structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.

(6) "City" means the city of North Bend, Oregon.

(7) "Dwelling, duplex" or "dwelling, two-family" means a detached building containing two dwelling units.

(8) "Dwelling, multifamily" means a building containing three or more dwelling units.

(9) "Dwelling, single-family" means a detached building containing one dwelling unit.

(10) "Dwelling unit" means one or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purposes of this title, the term "dwelling unit" does not include the term "trailer house."

(11) "Family" means an individual or two or more persons living together in a dwelling unit in which board and lodging are available; provided, that the total number of such persons shall not exceed one for every 200 square feet of living space within a dwelling unit.

(12) "Fence, sight-obscuring" means a fence or vegetative planting arranged in such a way as to obstruct vision.

(13) "Floor area" means the area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

(14) "Garage, private" means an accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

(15) "Garage, public" means a building other than a private garage used for the care and repair of

motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

(16) "Grade (ground level)" means the average of the finished ground level at the center of all exterior walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

(17) "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

(18) "Home occupation" means an occupation commonly carried on within a dwelling or accessory structure located on the same lot or parcel by members of the family occupying the dwelling; provided, that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation does not involve the retail sale of a product on the premises nor does it occupy an area in either the dwelling or the accessory structure greater than 30 percent of the total floor area of the dwelling, excluding the area of any attached or detached garage or accessory structure. In the R-M, R-5, R-6, R-7 and R-10 residential zones, a home occupation does not involve the presence on the premises of more than one customer, client or patient at any one time.

(19) "Hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and a nursing service on a continuous basis.

(20) "Hotel" means a building in which lodging is provided to guests for compensation and in which no provision is made for cooking in the lodging rooms.

(21) "Lot" means, for the purposes of this title, a parcel or tract of land.

(22) "Lot area" means the total horizontal area within the lot lines of a lot.

(23) "Lot, corner" means a lot abutting on two intersecting streets other than an alley; provided, that the streets do not intersect at an angle greater than 135 degrees.

(24) "Lot depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

(25) "Lot, interior" means a lot other than a corner lot.

(26) "Lot line" means the property line bounding a lot.

(27) "Lot line, front" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the front of the lot shall be the lot line on which the street address is assigned.

(28) "Lot line, rear" means a lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

(29) "Lot line, side" means any lot line not a front or rear lot line.

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

(31) "Manufactured home (dwelling)" and "manufactured home (dwelling) park" are defined as provided in ORS 446.003.

(32) "Motel" means a building or group of buildings on the same lot containing guest units with separate entrances directly to the exterior and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients.

(33) "Nonconforming structure or use" means a lawful existing structure or use at the time this title or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

(34) "Parking space" means a rectangle not less than 18 feet long and nine feet wide together with access space sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles.

(35) "Person" means every natural person, firm, partnership, association or corporation.

(36) "Rowhouse" or "townhouse" means a single-family dwelling unit constructed in a row of attached units separated by property lines and with open space (side yard setbacks) on at least two sides.

(37) Screening. See "Fence, sight-obscuring."

(38) "Service drive" means 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.

(39) “Sign” means any device designed to inform or to attract the attention of persons not on the premises.

(40) “Story” means 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 top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, the basement or cellar shall be considered a story.

(41) “Street” means the entire width between the boundary lines of every public way provided for public use for vehicular and pedestrian traffic, and the placement of utilities, and including “road,” “highway,” “lane,” “place,” “avenue,” or similar designations.

(42) “Structural alteration” means a change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or the roof.

(43) “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.

(44) “Use” means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(45) “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.

(46) “Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.

(47) “Yard, front” means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

(48) “Yard, rear” means a yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.

(49) “Yard, side” means an open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building. (Ord. 1952 § 1(4), 2006)

18.04.040 Compliance with ordinance and issuance of occupancy permits.

(1) No structure or premises may be used or occupied, and no structure or part of a structure may be erected, moved, reconstructed, extended, enlarged, or otherwise altered, except as permitted by this title.

(2) No premises shall be used or occupied in the commercial or industrial zones unless and until an occupancy permit has been issued by the building official for the particular uses and activities to be carried on at such premises. No change in any use or occupancy shall be made at any such premises unless and until an occupancy permit has been issued by the building official permitting such change.

(3) Applications for occupancy permits shall list the names and addresses of the owners and occupants of the premises and shall describe each and all of the businesses and activities proposed for such premises. Occupancy permits shall describe the business or activity for which the premises may be used or occupied and such permit shall be posted in a conspicuous place at such premises. (Ord. 1952 § 1(4), 2006)

18.04.050 Classification of zones.

For the purpose of this title, the city is divided into zones designated as follows:

Zone	Abbreviated Designation
Residential	
Single-Family	R-10
Single-Family	R-7
Single-Family and Duplex	R-6
Single-Family and Duplex	R-5
Multifamily	R-M
Residential Transition	R-T

Chapter 18.08

RESIDENTIAL ZONES R-7 AND R-10

Zone	Abbreviated Designation
Commercial	
Limited	C-L
General	C-G
Central	C-C
Industrial	
Light	M-L
Heavy	M-H
Floodplain	F-P
Airport	A-Z

Sections:

- 18.08.010 Uses permitted outright.
- 18.08.020 Conditional uses permitted.
- 18.08.030 Signs.
- 18.08.040 Lot size.
- 18.08.050 Yards.
- 18.08.060 Height of buildings.
- 18.08.070 Lot coverage.

18.08.010 Uses permitted outright.

In R-7 and R-10 zones, the following uses and their accessory uses are permitted outright:

- (1) Raising of flowers, fruits, and vegetables, but not including retail sale on the premises.
- (2) Single-family dwellings.
- (3) Parks and open spaces which are designated as such by either public or private owners of the land.
- (4) Single-family manufactured homes on individual lots subject to the following restrictions:
 - (a) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
 - (b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter.
 - (c) The manufactured home shall have a pitched roof, except that a slope shall not be required which is greater than a nominal three feet in height for each 12 feet in width.
 - (d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the building official.
 - (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the State Building Code as defined in ORS 455.010.
 - (f) The manufactured home shall have a garage or carport constructed of like materials. An attached or detached garage in lieu of a carport will be required where such is consistent with the pre-

(Ord. 1952 § 1(4), 2006)

18.04.060 Zoning map.

The location and boundaries of zones designated in NBCC 18.04.050 are hereby established as shown on the map entitled “Zoning Map of the City of North Bend” which shall be dated and signed by the mayor and the city recorder. From time to time, the council may authorize the preparation of new maps which shall be dated and signed by the mayor and city recorder. (Ord. 1952 § 1(4), 2006)

dominant construction of immediately surrounding dwellings.

(g) Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances. (Ord. 1952 § 1(4), 2006)

18.08.020 Conditional uses permitted.

In R-7 and R-10 zones, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

- (1) Church.
- (2) Governmental structure or use including a playground, recreation building, fire station, library, or museum.
- (3) Multifamily dwellings when authorized in accordance with Chapter 18.64 NBCC.
- (4) School: nursery, primary, elementary, junior high or senior high.
- (5) Utility substation or pumping station, not including outside storage.
- (6) Neighborhood grocery store.
- (7) Off-street parking for adjacent commercial uses or commercial zone uses.
- (8) Reconstruction or repair of an existing non-conforming use. (Ord. 1952 § 1(4), 2006)

18.08.030 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.08.040 Lot size.

In zones R-7 and R-10, minimum lot size shall be as follows:

- (1) Lot area in an R-7 zone shall be at least 7,000 square feet per dwelling unit, and lot area in an R-10 zone shall be at least 10,000 square feet per dwelling unit.
- (2) Lot width at the front building line shall be at least 70 feet. (Ord. 1952 § 1(4), 2006)

18.08.050 Yards.

Except as provided in NBCC 18.72.020 and 18.72.060, in R-7 and R-10 zones minimum yard requirements are as follows:

- (1) The front yard shall be at least 20 feet.
- (2) Each side yard shall be at least five feet, and the total of both side yards shall be at least 13 feet, except that for corner lots a side yard abutting a street shall be at least 12 feet.

- (3) The rear yard shall be at least 10 feet. (Ord. 1952 § 1(4), 2006)

18.08.060 Height of buildings.

In R-7 and R-10 zones, no buildings shall exceed a height of two and one-half stories or 35 feet, whichever is lower. (Ord. 1952 § 1(4), 2006)

18.08.070 Lot coverage.

In R-7 and R-10 zones, buildings shall not occupy more than 35 percent of the lot area. (Ord. 1952 § 1(4), 2006)

Chapter 18.12

RESIDENTIAL ZONE R-6

Sections:

- 18.12.010 Uses permitted outright.
- 18.12.020 Conditional uses permitted.
- 18.12.030 Signs.
- 18.12.040 Lot size.
- 18.12.050 Yards.
- 18.12.060 Height of buildings.
- 18.12.070 Lot coverage.

18.12.010 Uses permitted outright.

In an R-6 zone, the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in an R-7 zone.
- (2) Two-family dwelling. (Ord. 1952 § 1(4), 2006)

18.12.020 Conditional uses permitted.

In an R-6 zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

- (1) A use permitted as a conditional use in an R-7 zone.
- (2) The overnight renting of sleeping quarters with breakfast in a residence commonly known as a “bed and breakfast.” (Ord. 1952 § 1(4), 2006)

18.12.030 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.12.040 Lot size.

In an R-6 zone, minimum lot size is as follows:

- (1) Lot area shall be at least 6,000 square feet and shall not be less than 4,500 square feet per dwelling unit.
- (2) Lot width at the front building line shall be at least 60 feet. (Ord. 1952 § 1(4), 2006)

18.12.050 Yards.

Except as provided in NBCC 18.72.020 and 18.72.060, in an R-6 zone minimum yard requirements are as follows:

- (1) The front yard shall be at least 20 feet.
- (2) Each side yard shall be at least five feet and the total of both side yards shall be at least 13 feet, except that in the case of a corner lot the side yard abutting the street shall be at least 12 feet.
- (3) The rear yard shall be at least 10 feet. (Ord. 1952 § 1(4), 2006)

18.12.060 Height of buildings.

In an R-6 zone, no building shall exceed a height of two and one-half stories or 35 feet, whichever is lower. (Ord. 1952 § 1(4), 2006)

18.12.070 Lot coverage.

In an R-6 zone, buildings shall not occupy more than 35 percent of the lot area. (Ord. 1952 § 1(4), 2006)

Chapter 18.16**RESIDENTIAL ZONE R-5**

Sections:

- 18.16.010 Uses permitted outright.
- 18.16.020 Conditional uses permitted.
- 18.16.030 Signs.
- 18.16.040 Lot size.
- 18.16.050 Yards.
- 18.16.060 Height of buildings.
- 18.16.070 Lot coverage.

18.16.010 Uses permitted outright.

A use permitted outright in an R-6 zone is permitted outright in an R-5 zone. (Ord. 1952 § 1(4), 2006)

18.16.020 Conditional uses permitted.

A use permitted as a conditional use in an R-6 zone is permitted as a conditional use in an R-5 zone. (Ord. 1952 § 1(4), 2006)

18.16.030 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.16.040 Lot size.

In an R-5 zone, minimum lot size is as follows:

- (1) Lot area shall be at least 5,000 square feet and shall not be less than 3,750 feet per dwelling unit.
- (2) Lot width at the front building line shall be at least 50 feet. (Ord. 1952 § 1(4), 2006)

18.16.050 Yards.

Except as provided in NBCC 18.72.020 and 18.72.060, in an R-5 zone minimum yard requirements are as follows:

- (1) The front yard shall be at least 20 feet.
- (2) Each side yard shall be at least five feet, and both side yards together shall total at least 13 feet, except that in the case of a corner lot the side yard abutting a street shall be at least 10 feet.
- (3) The rear yard shall be at least 10 feet. (Ord. 1952 § 1(4), 2006)

18.16.060 Height of buildings.

In an R-5 zone, no building shall exceed a height of two and one-half stories or 35 feet, whichever is lower. (Ord. 1952 § 1(4), 2006)

18.16.070 Lot coverage.

In an R-5 zone, buildings shall not occupy more than 40 percent of the lot area. (Ord. 1952 § 1(4), 2006)

Chapter 18.20

RESIDENTIAL ZONE R-M

Sections:

- 18.20.010 Uses permitted outright.
- 18.20.020 Conditional uses permitted.
- 18.20.030 Signs.
- 18.20.040 Lot size.
- 18.20.050 Yards.
- 18.20.060 Height of buildings.
- 18.20.070 Lot coverage.
- 18.20.080 R-M(Q) qualified development standards.

18.20.010 Uses permitted outright.

In an R-M zone, the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in an R-6 zone.
- (2) Multifamily dwellings. (Ord. 1952 § 1(4), 2006)

18.20.020 Conditional uses permitted.

In an R-M zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

- (1) A use permitted as a conditional use in an R-6 zone.
- (2) Boarding, lodging or rooming house.
- (3) Manufactured home park. (Ord. 1952 § 1(4), 2006)

18.20.030 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.20.040 Lot size.

In an R-M zone, minimum lot size is as follows:

- (1) Lot area shall be at least 5,000 square feet and not less than 2,500 square feet per dwelling unit, except that the lot area shall not be less than 1,500 square feet per dwelling unit situated within a building containing more than one floor.
- (2) Lot width at the front building line shall be at least 50 feet.
- (3) For a rowhouse the lot area shall be at least 2,000 square feet and the lot width at the front building line shall be at least 20 feet. (Ord. 1952 § 1(4), 2006)

18.20.050 Yards.

Except as provided in NBCC 18.72.020 and 18.72.060, in an R-M zone minimum yard requirements are as follows:

- (1) The front yard shall be at least 20 feet.
- (2) In the case of a building up to 35 feet in height, each side yard shall be at least five feet, and both side yards together shall total at least 13 feet, except that in the case of a corner lot the side yard abutting a street shall be at least 10 feet. In the case of a building higher than 35 feet, the side yard shall be at least five feet plus one foot for each two feet by which the building exceeds 35 feet, except that in the case of a corner lot the side yard abutting a street shall be at least 10 feet.

(3) The rear yard shall be at least 20 feet for multifamily residential units and at least 10 feet for single-family dwellings and duplex dwellings that do not exceed a height of two and one-half stories or 35 feet, whichever is lower.

(4) No side yard setback shall be required for a rowhouse except where it is adjacent to a street (at least 10 feet) or adjacent to a lot that is not part of the rowhouse development (at least five feet). (Ord. 1952 § 1(4), 2006)

18.20.060 Height of buildings.

In an R-M zone, no building shall exceed a height of three and one-half stories or 45 feet, whichever is lower. (Ord. 1952 § 1(4), 2006)

18.20.070 Lot coverage.

In an R-M zone, buildings shall not occupy more than 45 percent of the lot area. (Ord. 1952 § 1(4), 2006)

18.20.080 R-M(Q) qualified development standards.

In the R-M(Q) zone, the following development standards shall apply in lieu of any other less restrictive provision in this chapter:

- (1) Maximum building height shall be 35 feet.
- (2) Front and rear yards shall be at least 20 feet.
- (3) Mobile home parks and boarding, lodging or rooming houses are not permitted, to the extent this prohibition is allowed by state law.
- (4) The territory composed of Lots 1 through 11, Block 12, Bank Addition to North Bend is limited to a maximum density of 16 dwelling units.

The territory composed of Lots 12, 13 and 14, Block 12, Bank Addition to North Bend is limited to a maximum density of four units. (Ord. 1963 § 3, 2007)

Chapter 18.24**RESIDENTIAL TRANSITION ZONE R-T**

Sections:

- 18.24.010 Residential uses and restrictions.
 18.24.020 Limited commercial uses.

18.24.010 Residential uses and restrictions.

In the R-T zone, the uses permitted outright, conditional uses and regulations concerning signs, lot size, yards, height of buildings and lot coverage shall be the same as those provided in the R-5 residential zone. (Ord. 1952 § 1(4), 2006)

18.24.020 Limited commercial uses.

Land within the R-T zone may be used for certain limited commercial purposes on a conditional use basis under the following regulations and restrictions:

(1) The use of parcels of land shall be for specified uses which shall be restricted to those which would generate low volumes of traffic and be compatible with adjacent uses.

(2) All construction and use permits for commercial uses will be subject to review and approval by the planning commission which shall apply the following restrictions and conditions:

(a) No limited commercial use shall be permitted unless it will generate a low volume of vehicular and pedestrian traffic.

(b) Restrictions shall be imposed so that improvements will be compatible with uses on adjacent properties and such restrictions shall include exercising architectural and design control, controlling commercial density including lot coverage, setbacks and height of buildings, and requiring landscaping and screening of adjacent residential areas and designating the location, height and type of signs.

(c) The impact of traffic on adjacent properties and on adjacent streets shall be controlled by designating the location of driveways, access roads and parking facilities, and by regulating the direction and flow of traffic to and from the subject property.

(d) Other restrictions and conditions shall be imposed as may be necessary for the orderly development of the area and its conversion to commercial uses with the least amount of adverse effect upon traffic and adjoining properties. (Ord. 1952 § 1(4), 2006)

Chapter 18.28**LIMITED COMMERCIAL ZONE C-L**

Sections:

- 18.28.010 Uses permitted outright.
 18.28.020 Conditional uses permitted.
 18.28.030 Signs.
 18.28.040 Use limitations.
 18.28.050 Yards.
 18.28.060 Lot coverage.

18.28.010 Uses permitted outright.

Uses permitted outright in the C-L zone are:

- (1) Business and professional offices and retail sales and services and their accessory uses;
- (2) Residential uses, except in the front 25 percent of the ground floor facing the street. (Ord. 1962 § 2(2.1), 2007; Ord. 1952 § 1(4), 2006)

18.28.020 Conditional uses permitted.

In a C-L zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

- (1) Reconstruction or repair of an existing non-conforming use.
- (2) A use permitted outright in the R-M zone.
- (3) Church.
- (4) Day nursery.
- (5) Utility substation or pumping station.
- (6) Governmental use or structure. (Ord. 1952 § 1(4), 2006)

18.28.030 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.28.040 Use limitations.

Uses in the C-L zone shall be limited as follows:

- (1) Building heights shall not exceed two and one-half stories or 35 feet, whichever is lower.

(2) Uses on corner lots adjacent to arterial streets will have access from the side street and not from the arterial.

(3) No use will be of a type or nature that will involve noise, lights, odors or activities likely to disturb or adversely affect adjoining residential and commercial uses.

(4) No use will be permitted unless it generates low to moderate volumes of vehicular traffic.

(5) All business, services, processing, storage and display of merchandise will be conducted solely within an enclosed building, with the excep-

tion of off-street parking and loading. (Ord. 1952 § 1(4), 2006)

18.28.050 Yards.

Except as provided in NBCC 18.72.060, in a C-L zone minimum yard requirements are as follows:

- (1) The front yard shall be at least 10 feet.
- (2) On the side of a lot abutting a residential zone a yard shall be at least five feet plus one foot for each two feet by which the height of the building exceeds 28 feet.
- (3) On the side of a lot abutting a street a yard shall be at least 10 feet.
- (4) The rear yard shall meet the same requirements as the side yard. (Ord. 1952 § 1(4), 2006)

18.28.060 Lot coverage.

In a C-L zone, buildings shall not occupy more than 50 percent of the lot area. (Ord. 1952 § 1(4), 2006)

Chapter 18.32

GENERAL COMMERCIAL ZONE C-G

Sections:

- 18.32.010 Uses permitted outright.
- 18.32.020 Conditional uses permitted.
- 18.32.030 Limitations on use.
- 18.32.040 Yards.
- 18.32.050 Signs.
- 18.32.060 Lot coverage.

18.32.010 Uses permitted outright.

Uses permitted outright in the C-G general commercial zone are business and professional offices, retail sales, service or repair, places of public or private assembly or amusement, their accessory uses, and residential uses except in the front 25 percent of the ground floor facing the street. (Ord. 1962 § 2(2.2), 2007; Ord. 1952 § 1(4), 2006)

18.32.020 Conditional uses permitted.

In a C-G zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

- (1) Improvements to a preexisting, nonconforming use.
- (2) Manufacturing, fabricating or processing of materials or substances for retail sale.
- (3) Utility substations or pumping stations. (Ord. 1952 § 1(4), 2006)

18.32.030 Limitations on use.

In a C-G zone, uses shall be subject to the following limitations:

- (1) All business, service, processing, storage, or display of merchandise on a lot abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building or shall be screened from the residential zone by a sight-obscuring fence or hedge, permanently maintained.
- (2) Openings or access to structures on sides adjacent to or across the street from a residential zone shall be prohibited if they result in glare or excessive noise or otherwise adversely affect residential properties.
- (3) Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in any parts of the lot permanently maintained as landscaped area.
- (4) No construction, reconstruction, expansion, addition or alteration shall be commenced in a unified shopping area without approval having first

been obtained from the planning commission of the city of North Bend of the location and design of any use, structure, access road, driveway or fire lane; the location, design and adequacy of off-street parking facilities; the height of buildings; and the location, type and sufficiency of screening of adjacent residential areas.

In granting any approval under this subsection, the planning commission may impose conditions and restrictions for the purpose of ensuring orderly commercial development, with adequate access, parking and traffic control. For the purposes of this subsection, “unified shopping area” shall mean any shopping area designed for three or more commercial uses on not less than one acre of land which share common parking areas or points of access.

(5) All repair, manufacturing, fabricating or processing shall take place within a building, and shall be conducted in such a manner that it will not create noise, odors or emissions that are offensive or disturbing to persons working, shopping or living in the vicinity.

(6) An accessory use, including warehousing incidental to the principal use, must be located on the same premises as the principal use. (Ord. 1952 § 1(4), 2006)

18.32.040 Yards.

In a C-G zone, minimum yard requirements are as follows:

(1) On the side of a lot abutting a residential zone, a yard shall be at least 15 feet plus one foot for each two feet by which the height of the building exceeds 28 feet.

(2) The rear yard shall meet the same requirements as the side yard. (Ord. 1952 § 1(4), 2006)

18.32.050 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.32.060 Lot coverage.

In a C-G zone, buildings shall not occupy more than 75 percent of the lot area. (Ord. 1952 § 1(4), 2006)

Chapter 18.36

CENTRAL COMMERCIAL ZONE C-C

Sections:

- 18.36.010 Uses permitted outright.
- 18.36.020 Conditional uses permitted.
- 18.36.030 Limitations on use.
- 18.36.040 Signs.
- 18.36.050 Yards.

18.36.010 Uses permitted outright.

A use permitted outright in a C-G zone is permitted outright in a C-C zone. (Ord. 1952 § 1(4), 2006)

18.36.020 Conditional uses permitted.

In the C-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

(1) A use permitted as a conditional use in the C-G zone. (Ord. 1962 § 2(2.3), 2007; Ord. 1952 § 1(4), 2006)

18.36.030 Limitations on use.

Limitations on use in the C-G zone shall apply to uses in a C-C zone. (Ord. 1952 § 1(4), 2006)

18.36.040 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.36.050 Yards.

Yard requirements for a C-G zone shall apply in a C-C zone. (Ord. 1952 § 1(4), 2006)

Chapter 18.40

LIGHT INDUSTRIAL ZONE M-L

Sections:

- 18.40.010 Uses permitted outright.
- 18.40.020 Conditional uses permitted.
- 18.40.030 Limitations on use.
- 18.40.040 Signs.
- 18.40.050 Yards.
- 18.40.060 Height of buildings.

18.40.010 Uses permitted outright.

In an M-L zone, subject to the limitations provided herein, uses permitted outright include wholesale supply, utility operations and facilities, warehousing, compounding, packaging, processing, repairing, fabricating, marshalling, shipping, light manufacturing, and servicing of materials, equipment, supplies and other personal property, and other compatible uses having similar impacts on traffic and surrounding or adjoining properties. (Ord. 1952 § 1(4), 2006)

18.40.020 Conditional uses permitted.

In an M-L zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 18.60 NBCC:

- (1) Governmental structure or use.
- (2) A use permitted outright in the C-G zone.
- (3) Improvement of an existing dwelling requiring a building permit.
- (4) Areas for the accommodation of recreational vehicles and/or trailers, commonly known as RV parks or travel parks. (Ord. 1952 § 1(4), 2006)

18.40.030 Limitations on use.

In an M-L zone, the following conditions and limitations shall apply:

- (1) Any use which creates a nuisance because of noise, smoke, odor, dust or gas is prohibited.
- (2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (3) All service, processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone by a permanently maintained, sight-obscuring fence at least six feet high.

(4) Points of access from a public street to properties in an M-L zone shall be so located as to minimize traffic congestion and avoid directing traffic onto residential streets.

(5) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect residential uses. (Ord. 1952 § 1(4), 2006)

18.40.040 Signs.

See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

18.40.050 Yards.

In an M-L zone, on the side or rear of a lot abutting a residential zone, a yard shall be at least 20 feet. (Ord. 1952 § 1(4), 2006)

18.40.060 Height of buildings.

In an M-L zone, no structure shall exceed a height of 45 feet, except that within 150 feet of a residential zone no structure shall exceed a height of 35 feet. (Ord. 1952 § 1(4), 2006)

Chapter 18.44**HEAVY INDUSTRIAL ZONE M-H**

Sections:

- 18.44.010 Uses permitted outright.
- 18.44.020 Conditional uses permitted.
- 18.44.030 Limitations on use.

18.44.010 Uses permitted outright.

In an M-H zone, the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in an M-L zone.
- (2) Manufacturing, repairing, compounding, fabricating, processing, packing or storage. (Ord. 1952 § 1(4), 2006)

18.44.020 Conditional uses permitted.

In an M-H zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

- (1) Governmental structure or use.
- (2) Junk yard, automobile wrecking yard.
- (3) The retail sale of items manufactured, compounded, fabricated, processed or assembled on the premises.
- (4) Areas for the accommodation of recreational vehicles and/or house trailers, commonly known as RV parks or travel parks. (Ord. 1952 § 1(4), 2006)

18.44.030 Limitations on use.

In an M-H zone, the following conditions and limitations shall apply:

- (1) A use having a primary function of storing, utilizing, or manufacturing explosive materials is prohibited.
- (2) A use which creates a nuisance because of noise, smoke, odor, dust or gas is prohibited.
- (3) Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard. (Ord. 1952 § 1(4), 2006)

Chapter 18.48**FLOODPLAIN ZONE F-P**

Sections:

- 18.48.010 Definitions.
- 18.48.020 Regulations in the F-P zone.
- 18.48.030 Structural elevation data in flood area.
- 18.48.040 Structure siting in flood area.
- 18.48.050 Facility standards in a flood hazard area.
- 18.48.060 Floodproofing.

18.48.010 Definitions.

As used in this chapter, words and phrases shall have their ordinary meanings in common usage, except that specifically defined words and phrases shall have meanings as follows:

- (1) “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.
- (2) “Basement” means any area of a building having its floor below ground level on all sides.
- (3) “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (4) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (4)(b) of this section and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (5) “Flood insurance rate map (FIRM)” means the official map showing the boundaries of the floodplain zone, the special hazard areas and risk premium zones as published by the National Flood Insurance Program and adopted by the city council.
- (6) “Flood insurance study” means the study prepared for the city and the Federal Emergency Management Agency to be used as a database for administration and enforcement of this chapter and adopted by the city council.

(7) “Floodway” means the channel of a river and the portion of the floodplain that carries most of the flood.

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

(9) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include recreational vehicles.

(10) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into four or more manufactured home lots for rent or sale.

(11) “Recreational vehicle” means a vehicle that is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck;
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel or seasonal use.

(12) “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(13) “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. “Structure,” for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

(14) “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

(15) “Substantial improvement” means:

- (a) Any repair or improvement of a structure where the cost of the improvement equals or exceeds 50 percent of the assessed value of the structure;
- (b) Reconstruction or repair of a structure that exceeds 50 percent of the assessed value of the structure before it was damaged;
- (c) Additions to an existing structure when the addition increases the assessed value of the structure by more than 50 percent or the floor area by more than 20 percent. (Ord. 1952 § 1(4), 2006)

18.48.020 Regulations in the F-P zone.

The boundaries of the floodplain zone shall be the same as the boundaries shown on the FIRM which is in effect as published by the Federal Insurance Administration. The floodplain zone shall be superimposed on other use zones. In addition to the regulations provided in a use zone, development of land within the floodplain zone shall be subject to the following regulations:

- (1) An application for a development permit in the floodplain zone shall take into account the best available information on flood conditions affecting the land. The city shall keep on file in the office of the city engineer the best information known to the city engineer. If the applicant has access to additional information and can establish its reliability, the city engineer may permit its use providing the information is not in conflict with data provided by the Federal Insurance Administration. The applicant shall use the information in preparing the

application and to demonstrate compliance with the requirements of this chapter.

(2) Encroachments, including fill, new construction, substantial improvements and other development are prohibited in the floodway unless certification by a registered professional engineer is provided demonstrating that the encroachment will not result in any measurable increase in flood levels during the occurrence of the base flood discharge.

(3) When a proposed development will alter or relocate a watercourse, the application shall describe a program of watercourse maintenance. The development shall be designed, constructed and maintained to retain the flood carrying capacity of the watercourse without raising the water elevation during a period of base flood discharge. At least 10 days before issuing a permit involving watercourse alteration or relocation, the city engineer shall notify the officials of an adjacent upstream city and the State Department of Land Conservation and Development of the date on which the permit is proposed to be issued. Evidence of the notification also shall be submitted to the Federal Emergency Management Agency.

(4) All permit applications shall be reviewed to determine that all necessary permits have been obtained from those federal, state and local governmental agencies for which approval is required.

(5) All permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.

(6) Permits shall be required for all proposed construction and other developments including the placement of manufactured homes within Zone A of the flood hazard boundary map.

(7) Whenever the city shall receive application for any subdivision or partition of land within the floodplain zone F-P, it shall review such proposal to determine whether it will be reasonably safe from flooding, and if such subdivision or partition is within a flood-prone area, it shall be reviewed to assure that it is consistent with the need to minimize flood damage, that all utilities and facilities, such as sewer, gas, electrical, and water systems,

are located and constructed to minimize or eliminate flood damage, and that adequate drainage is provided to reduce exposure to flood hazards. All proposed subdivisions having an area greater than 50 lots or five acres, whichever is the lesser, shall include base flood elevation data.

(8) All manufactured home parks or subdivisions within zones A1 – 30 on the city's flood insurance rate map shall have stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be elevated to at least one foot above the base flood level, and shall have adequate surface drainage and access for the hauler of the manufactured home. Where the elevation is provided by pilings, lots shall be large enough to permit steps and piling foundations shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level. The foregoing requirement shall also apply to all individual manufactured homes not within a manufactured home park or subdivision if otherwise allowed by this title. No manufactured home shall be permitted within the adopted regulatory floodway.

(9) All manufactured homes to be placed or substantially improved within zones A1 – 30 and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of NBCC 18.48.040.

(10) For all new construction and substantial improvements of both residential and nonresidential structures, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

(11) Recreational vehicles placed on sites within zones A1 – 30, AH and AE on the city's flood insurance rate map either will:

(a) Be on the site fewer than 180 consecutive days; and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or

(c) Meet the requirements of subsection (9) of this section.

(12) The city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as a criteria for requiring that new construction, substantial improvements, or other development in zone A meet the requirements of this title and federal floodplain management criteria.

(13) Where a nonresidential structure is intended to be made watertight below the base flood level:

(a) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of these regulations; and

(b) A record of such certificates which includes the specific elevation (in relationship to mean sea level) to which such structures are flood-proofed shall be maintained with the city engineer.

(14) The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This title shall not create liability on the part of the city of North Bend, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder. (Ord. 1952 § 1(4), 2006)

18.48.030 Structural elevation data in flood area.

(1) Within the floodplain zone, a development permit application for a new or substantially improved structure or a manufactured home shall

include the following additional data referenced to mean sea level:

(a) The elevation of the bottom of the lowest structural member of the lowest floor.

(b) The elevation to which the structure is to be floodproofed, if applicable.

(c) A statement shall accompany the elevation data noting whether or not the structure contains a basement.

(2) On completion of the development for which a permit has been issued, there shall be filed with the city the elevation to which the structure has been floodproofed.

(3) The information required by this section shall be maintained in the files. (Ord. 1952 § 1(4), 2006)

18.48.040 Structure siting in flood area.

Within the floodplain zone, a new or substantially improved building or other structure or a newly installed manufactured home shall comply with the following, taking into account conditions during a period of base flood discharge:

(1) Design and anchoring shall prevent flotation, collapse or lateral movement of the structure during a flood reaching the base flood level. In the case of a manufactured home, the anchoring shall be as follows:

(a) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations except that a manufactured home that is less than 50 feet long need have only one additional tie per side.

(b) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points except that a manufactured home less than 50 feet long need have only four additional ties per side.

(c) All components of the anchoring system, including ties, shall be capable of carrying a force of 4,800 pounds.

(2) Materials and utility equipment shall be resistant to flood damage.

(3) Construction methods and practices shall minimize flood damage.

(4) The lowest habitable floor, and any basement floor whether or not the basement is intended to be habitable, shall be elevated at least one foot above the base flood level shown on the flood insurance rate map unless a greater height is required to comply with NBCC 18.48.060.

(5) Unless the lowest floor elevation, including a basement floor, is one foot above the base flood elevation, a nonresidential structure shall be designed so that the structure is substantially impermeable to the passage of water and otherwise floodproofed at least to a level two feet above the base flood level. The structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (Ord. 1952 § 1(4), 2006)

18.48.050 Facility standards in a flood hazard area.

(1) A public utility or facility associated with a subdivision or other new land development within a flood hazard area shall be designated, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.

(2) A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.

(3) A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into the floodwaters.

(4) An on-site septic tank system or other individual waste disposal system shall be located to avoid impairment or contamination during flooding.

(5) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 1952 § 1(4), 2006)

18.48.060 Floodproofing.

When floodproofing is utilized for a structure, a registered engineer or licensed architect shall certify that the floodproofing method is adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood and otherwise conforms to the floodproofing standards of the State Structural Specialty Code in effect at the time of construction. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the city engineer. (Ord. 1952 § 1(4), 2006)

Chapter 18.52

AIRPORT ZONE A-Z

Sections:

18.52.010 Designation of zone.

18.52.020 Uses.

18.52.010 Designation of zone.

The airport zone A-Z shall include all of the land contained within the boundaries of the North Bend Municipal Airport as shown on the airport property map. (Ord. 1952 § 1(4), 2006)

18.52.020 Uses.

(1) Uses Permitted Outright. In the A-Z zone, the following uses and their accessory uses are permitted outright:

(a) Airport and airport related uses.

(b) All uses permitted outright and as conditional uses in the light industrial zone M-L.

(2) Conditional Uses Permitted. In the A-Z zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.60 NBCC:

(a) A use permitted outright in the R-M zone.

(b) A use permitted as a conditional use in the C-G or R-M zone.

(3) Limitations on Use. In the A-Z zone, the following limitations on use shall apply:

(a) In granting conditional uses, conflicts and potential conflicts between adjacent uses which are ordinarily not allowed in the same zone shall be considered and resolved in granting such conditional uses.

(b) Residential uses shall not be permitted within a noise impact area as defined in the airport master plan. (Ord. 1952 § 1(4), 2006)

Chapter 18.56

NORTH BEND AIRPORT OVERLAY ZONING

Sections:

- 18.56.010 Short title.
- 18.56.020 Purpose.
- 18.56.030 Definitions.
- 18.56.040 Imaginary surface and noise impact boundary delineation.
- 18.56.050 Notice of land use, permit applications and overlay zone boundary or surface changes within overlay zone area.
- 18.56.060 Height limitations on allowed uses in underlying zones.
- 18.56.070 Procedures.
- 18.56.080 Land use compatibility requirements.
- 18.56.090 Water impoundments within approach surfaces and airport direct and secondary impact boundaries.
- 18.56.100 Wetland mitigation, creation, enhancement and restoration within approach surfaces and airport direct and secondary impact boundaries.
- 18.56.110 Nonconforming uses.
- 18.56.120 Appeals.
- 18.56.130 Penalties.
- 18.56.140 Severability.
- 18.56.150 Conflicting regulations.

18.56.010 Short title.

This chapter shall be known and cited and pleaded as the North Bend airport overlay zoning ordinance. (Ord. 1952 § 1(4), 2006)

18.56.020 Purpose.

The purpose of this overlay zone is to encourage and support the continued operation and vitality of the North Bend Airport by establishing compatibility and safety standards to promote air navigational safety at such airport and to reduce potential safety hazards for persons living, working or recreating near the airport. (Ord. 1952 § 1(4), 2006)

18.56.030 Definitions.

Except where the context indicates otherwise, the following words and phrases shall mean:

- (1) "Airport" means the North Bend Municipal Airport.
- (2) "Airport direct impact area" means the area located within 5,000 feet of an airport runway,

excluding lands within the runway protection zone and approach surface.

(3) "Airport elevation." The most current and approved North Bend Municipal Airport master plan, airport layout plan, defines the highest point of the airport's usable landing area. The 2002 Airport Layout Plan has established the airport elevation as 17.1 feet above mean sea level (reference datum is NAVD 88).

(4) "Airport imaginary surfaces" means imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

(5) "Airport noise impact boundary" means areas located within 1,500 feet of an airport runway or within the most current, established noise contour boundaries exceeding 55 Ldn.

(6) "Airport secondary impact area" means the area located between 5,000 and 10,000 feet from the airport's runways.

(7) "Airport sponsor" means the owner, manager, or other person or entity designated to represent the interests of the airport.

(8) "Approach surface" means a surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface.

(a) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) Two thousand feet for a utility runway having a nonprecision instrument approach.

(ii) Three thousand five hundred feet for a nonprecision instrument runway, other than utility, having visibility minimums greater than three-quarters statute mile.

(iii) Four thousand feet for a nonprecision instrument runway, other than utility, having visibility minimums at or below three-quarters statute mile.

(iv) Sixteen thousand feet for precision instrument runways.

(b) The approach surface extends for a horizontal distance of:

(i) Five thousand feet at a slope of 20 feet outward for each foot upward (20:1) for all utility runways;

(ii) Ten thousand feet at a slope of 34 feet outward for each foot upward (34:1) for all

nonprecision instrument runways, other than utility; and

(iii) Ten thousand feet at a slope of 50 feet outward for each foot upward (50:1), with an additional 40,000 feet at a slope of 40 feet outward for each foot upward (40:1), for precision instrument runways.

(c) The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(9) "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(10) "Department of Aviation" means the Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

(11) "FAA" means the Federal Aviation Administration.

(12) "FAA's technical representative" means, as used in this chapter, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.

(13) "Height" means the highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level (reference datum is NAVD 88).

(14) "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(a) Five thousand feet for all runways designated as utility.

(b) Ten thousand feet for all other runways.

(c) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(15) "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with

only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA-approved airport layout plan or FAA planning document.

(16) "Obstruction" means any structure or tree, plant or other object of natural growth that penetrates an airport imaginary surface.

(17) "Other than utility runway" means a runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

(18) "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an instrument landing system (ILS) or precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.

(19) "Primary surface" means a surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The width of the primary surface is:

(a) Five hundred feet for utility runways having nonprecision instrument approaches;

(b) Five hundred feet for other than utility runways having nonprecision instrument approaches with visibility minimums greater than three-quarters statute mile; and

(c) One thousand feet for nonprecision instrument runways with visibility minimums at or below three-quarters statute mile, and for precision instrument runways.

(20) "Public assembly facility" means a permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities,

employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

(21) "Runway" means a defined area on the airport prepared for landing and takeoff of aircraft.

(22) "Runway protection zone (RPZ)" means an area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway center line. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

(a) One thousand feet for utility runways.

(b) One thousand seven hundred feet for other than utility runways having nonprecision instrument approaches.

(c) Two thousand five hundred feet for precision instrument runways.

(23) "Significant," as it relates to bird strike hazards, means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

(24) "Structure" means any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

(25) "Transitional surface" means those surfaces that extend upward and outward at 90-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces, for those portions of the precision approach surfaces which project through and beyond the limits of the conical

surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90-degree angle to the extended runway center line.

(26) "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

(27) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

(28) "Water impoundment" includes wastewater-treatment-related ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of the ordinance codified in this chapter.

Table: Runway Type

Runway	Type of Runway
R/W 4	Precision Instrument
R/W 22	Nonprecision Instrument
R/W 13	Visual, Other Than Utility
R/W 31	Visual, Other Than Utility
R/W 16	Utility
R/W 34	Utility

(Ord. 1952 § 1(4), 2006)

18.56.040 Imaginary surface and noise impact boundary delineation.

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface is delineated for the airport by the most current and approved North Bend Municipal Airport master plan and airport layout plan, and the airport master plan along with the associated maps and documents are made part of the official zoning map of the city of North Bend. All lands, waters and airspace, or portions thereof, that are located within these boundaries or

surfaces shall be subject to the requirements of this overlay zone. (Ord. 1952 § 1(4), 2006)

18.56.050 Notice of land use, permit applications and overlay zone boundary or surface changes within overlay zone area.

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.

(1) Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway.

(2) Notice of land use and limited land use applications shall be provided within the following timelines:

(a) Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.

(b) Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.

(3) Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to land use or limited land use proceeding.

(4) Notices required under subsections (1) through (3) of this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:

(a) Would only allow structures of less than 35 feet in height;

(b) Involves property located entirely outside the approach surface;

(c) Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio,

radiotelephone, television or similar transmission facilities or electrical transmission lines; and

(d) Does not involve wetland mitigation, enhancement, restoration or creation.

(5) Changes that affect the overlay zone boundaries or surfaces defined by this rule, which are proposed by the airport, shall be subject to city of North Bend review, modification and approval as part of the planning process outlined in this rule. Written notice of proposed changes that affect the overlay zone boundaries or surfaces shall be provided to the city of North Bend by the airport in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. (Ord. 1952 § 1(4), 2006)

18.56.060 Height limitations on allowed uses in underlying zones.

All uses permitted by the underlying zone shall comply with the height limitations in this section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

(1) Except as provided in subsections (2) and (3) of this section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

(2) For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.

(3) Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA. (Ord. 1952 § 1(4), 2006)

18.56.070 Procedures.

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(1) A map or drawing showing the location of the property in relation to the airport imaginary

surfaces. The airport authority shall provide the applicant with appropriate base maps upon which to locate the property.

(2) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level (reference datum NAVD 88).

(3) If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA. (Ord. 1952 § 1(4), 2006)

18.56.080 Land use compatibility requirements.

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this section as provided herein:

(1) Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise-sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

(2) Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

(3) Glare. No glare-producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

(4) Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing

industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

(5) Landfills. No new sanitary landfills shall be permitted within 10,000 feet of any airport runway. Expansions of existing landfill facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, the Department of Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

(6) Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radiotelephone, television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval.

(7) Use Prohibitions in RPZ. Notwithstanding the underlying zoning, the following uses are prohibited in the RPZ:

(a) New residential development.

(b) Public assembly facilities. (Ord. 1952 § 1(4), 2006)

18.56.090 Water impoundments within approach surfaces and airport direct and secondary impact boundaries.

(1) Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

(2) No new or expanded water impoundments of one-quarter acre in size or larger are permitted:

(a) Within an approach surface and within 5,000 feet from the end of a runway; or

(b) On land owned by the airport sponsor that is necessary for airport operations. (Ord. 1952 § 1(4), 2006)

18.56.100 Wetland mitigation, creation, enhancement and restoration within approach surfaces and airport direct and secondary impact boundaries.

(1) Notwithstanding the requirements of NBCC 18.56.090, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under NBCC 18.56.090 shall be allowed upon demonstration of compliance with the requirements of this section.

(2) Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of the ordinance codified in this chapter and located within areas regulated under NBCC 18.56.090 are recognized as lawfully existing uses.

(3) To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas regulated under NBCC 18.56.090 is encouraged.

(4) Applications to expand wetland mitigation projects in existence as of the effective date of the ordinance codified in this chapter, and new wetland mitigation projects, that are proposed within areas regulated under NBCC 18.56.090 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

(a) It is not practicable to provide off-site mitigation; or

(b) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.

(5) Wetland mitigation permitted under subsection (4) of this section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.

(6) Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under NBCC 18.56.090, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

(a) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and

(b) The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase in hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.

(7) Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish and Wildlife (ODFW), the Oregon Division of State Lands (DSL), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers (Corps) as part of the permit application.

(8) A decision approving an application under this section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces. (Ord. 1952 § 1(4), 2006)

18.56.110 Nonconforming uses.

(1) These regulations shall not be construed to require the removal, lowering or alteration of any structure existing at the time the ordinance codified in this chapter is adopted and not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter.

(2) Notwithstanding subsection (1) of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

(3) No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

(4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of the fair market value as indicated by the records of the

county assessor, a future structure or use shall conform to this chapter. (Ord. 1952 § 1(4), 2006)

18.56.120 Appeals.

(1) Administrative decisions are appealable to the planning commission. Decisions of the commission are appealable to the city council. Decisions of the city council are appealable to the Oregon Land Use Board of Appeals.

(a) All appeals shall be filed with the city planning commission within 10 days of the date that notice of the decision is mailed to the parties of record.

(b) Appeals must be submitted on appeal forms provided by the city and clearly identify the issues of appeal, the party status of the appellant, the applicable review criteria and include the appropriate appeal fee.

(c) Failure to raise an issue either orally or in writing at a public hearing concerning the matter precludes appeal based on that issue.

(2) Procedures for appeals to the city council shall be the same as those for appeals of planning commission decisions. (Ord. 1952 § 1(4), 2006)

18.56.130 Penalties.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00, and each day that such violation shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1952 § 1(4), 2006)

18.56.140 Severability.

If any clause, sentence, paragraph, section or portion of this chapter, for any reason, shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remaining provisions of this chapter. (Ord. 1952 § 1(4), 2006)

18.56.150 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter, and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 1952 § 1(4), 2006)

Chapter 18.60

CONDITIONAL USES

Sections:

- 18.60.010 Authorization to grant or deny conditional uses.
- 18.60.020 Application for a conditional use.
- 18.60.030 Hearing on conditional use.
- 18.60.040 Notices.
- 18.60.045 Hearing procedures.
- 18.60.050 Decisions.
- 18.60.060 Standards governing conditional uses.

18.60.010 Authorization to grant or deny conditional uses.

Uses designated in this title as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the planning commission in accordance with the standards and procedures set forth in this chapter. Conditional uses are those which may be found appropriate, desirable, convenient, or necessary in the applicable district subject to the following standards:

(1) The use is found to be compatible with adjacent uses or may be made compatible through the imposition of conditions; and

(2) The location, size, and design are consistent with existing adjacent uses or other uses allowed outright in the same zone district; and

(3) The use will not have a significant traffic impact compared to existing adjacent uses or other uses allowed outright in the same zone district; and

(4) The use complies with other applicable development standards in the same zone district. Conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaces required, limiting the number, size, and location of signs, and requiring screening and landscaping to protect adjacent property. In the case of a use existing prior to the effective date of this title and which is classified in this title as a conditional use, any change in use or in lot area or in any alteration of the structure shall conform with the requirements dealing with conditional uses. (Ord. 1952 § 1(4), 2006)

18.60.020 Application for a conditional use.

A property owner or his authorized agent may initiate a request for a conditional use or the modi-

fication of an existing conditional use by filing an application, with the appropriate fee, with the city using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions of the subject property and arrangement of the proposed development and names and addresses of property owners within 100 feet. The planning director, or the city administrator if there is no planning director, may require other drawings or information necessary to achieve an understanding of the proposed use and its relationship to surrounding properties. The application will be reviewed for completeness prior to scheduling the public hearing and initiating notice procedures. An application must be submitted at least 30 days prior to a scheduled planning commission hearing. (Ord. 1952 § 1(4), 2006)

18.60.030 Hearing on conditional use.

A public hearing will be held before the North Bend planning commission subject to the provisions of this chapter. Except as otherwise provided in this section and NBCC 18.60.040 and 18.60.050, the procedures for hearings shall be the same as those provided in NBCC 18.92.020. (Ord. 1952 § 1(4), 2006)

18.60.040 Notices.

At least 20 days' notice of a hearing shall be mailed to the applicant and the owners of record of property on the most recent property tax assessment roll located within 100 feet of the property which is the subject of the notice. The notice shall explain the nature of the application and the proposed use or uses which could be authorized; list the applicable criteria from the code and plan that apply to the application; set forth the street address or other easily understood geographical reference to the property; state the date, time and location of the hearing; state that a failure to raise an issue at the hearing in person or by letter or to provide sufficient specificity to afford an opportunity to respond to an issue precludes appeal on that issue; include the name of the city representative to contact and the telephone number where additional information may be obtained; state that a copy of the application, all documents and evidence relied on by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at reasonable rates; and include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing. (Ord. 1952 § 1(4), 2006)

18.60.045 Hearing procedures.

(1) At the commencement of the hearing, a statement shall be made to those in attendance that:

(a) Lists the applicable criteria for the application;

(b) States that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria that the person believes apply to the application; and

(c) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.

(2) Prior to the conclusion of the hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The hearings body shall grant such request by continuing the public hearing to a time and date certain at least seven days from the date of the current hearing. An opportunity shall be provided at the continued hearing for parties to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any party may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days in order to submit arguments in response to the new written evidence. The record shall be closed at the end of said seven days. The hearings body may reopen the hearing, by motion, for additional evidence, arguments or testimony at their discretion.

(3) A continuance of a hearing shall be subject to the 120-day limitations of ORS 227.178 and 227.179 unless the continuance is requested or agreed to by the applicant.

(4) Unless waived by the applicant, the hearings body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final arguments shall be considered part of the record, but shall not include any new evidence. This final seven-day period shall not be subject to the 120-day limitation.

(5) The failure of the property owner or any other party to receive notice as provided in this chapter shall not invalidate the proceedings if the city can demonstrate by affidavit that such notice was given.

(6) For the purposes of this chapter:

(a) "Argument" means assertions and analysis regarding the satisfaction or violation of legal

standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.

(b) "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision. (Ord. 1952 § 1(4), 2006)

18.60.050 Decisions.

Discretionary land use decisions of the hearings officer, planning director or planning commission shall be effective and final when they are reduced to writing and mailed to the applicant and other parties to the proceeding. (Ord. 1952 § 1(4), 2006)

18.60.060 Standards governing conditional uses.

A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

(1) Yards. In a residential zone, yards shall be at least two-thirds the height of the principal structure. In any zone, additional yard requirements may be imposed.

(2) Height Exception. A church or governmental building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed one and one-half times the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

(3) Limitation on Access to Property and on Openings to Buildings. The city may limit or prohibit vehicle access from a conditional use to a residential street and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

(4) Signs. See Chapter 18.70 NBCC, Signs.

(5) Schools.

(a) Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from abutting lots.

(b) Primary schools shall provide one acre of site area for each 90 pupils or one acre for every three classrooms, whichever is greater.

(c) Elementary schools shall provide one acre of site area for each 75 pupils or one acre for every two and one-half classrooms, whichever is greater.

(6) Service Stations. A service station may be permitted as a conditional use if adjacent property is not adversely affected by noise, smoke, odors or glare, and if the service station does not interfere with the shopping pattern of a retail business district.

(7) Utility Substation or Pumping Substation. In the case of a utility substation or pumping substation, the city may waive the minimum lot size requirement only if it is determined that the waiver will not have a detrimental effect on adjacent property.

(8) Rowhouses. Provision shall be made for rowhouses to have adequate access to rear yard areas.

(9) Manufactured Home Parks.

(a) Manufactured home parks shall comply with all rules, regulations and standards of the state of Oregon.

(b) Improvements in a manufactured home park shall include paved streets, roads and parking areas, installation and connection to public sewer and water systems, and the installation of adequate public fire hydrants. Roadways shall be so designed as to accommodate the movement of public fire vehicles to provide protection to the entire park.

(c) Separate storm and sanitary sewer systems shall be provided in all manufactured home parks and stormwater shall not be discharged into the sanitary sewer system. No stormwater shall be permitted to drain onto adjacent public or private property except into natural watercourses or a storm sewer system.

(d) All public streets within the manufactured home parks shall be constructed to city standards and accepted by the city for maintenance prior to use and occupancy of the park. Private roads shall be paved to a width of not less than 20 feet, exclusive of any adjacent parking areas, and such roads shall contain positive channeling of stormwater which shall be collected in the storm sewer facilities. Both public and private roads and streets must be illuminated by a lighting system approved by the city. Areas within public or private streets and roads shall not be included as a part of required off-street parking.

(e) Based on the size, characteristics and occupancy proposed for a manufactured home

park, it may be required to provide landscaping, playground, open space or other common facilities.

(f) The minimum site size for a manufactured home park is three acres.

(g) A manufactured home shall have a water closet, lavatory, and bathtub or shower, a kitchen area containing a sink and shall be connected to public sewer and water lines.

(h) A manufactured home shall have continuous skirting, its wheels shall be removed when installed, and if it is a single-wide unit, it shall be tied down with devices that meet state standards, and in a floodplain area a double-wide manufactured home may be required to be tied down.

(i) In manufactured home parks in common ownership, each space for a manufactured home shall contain not less than 3,630 square feet exclusive of space provided for common use of tenants, roadways, general use structures, guest parking, walkways and areas for recreation and landscaping purposes. Each manufactured home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the manufactured home and exclusive of space provided for common use of tenants. No manufactured home in the park shall be located closer than 15 feet from another manufactured home or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 10 feet from a manufactured home accessory building or other building or structure on another manufactured home space. No manufactured home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary. The land which is used for park purposes shall be surrounded except at the entry and exit places by a sight-obscuring fence or hedge not less than six feet in height, and the fence or hedge shall be maintained to have a neat appearance.

(j) In a manufactured home park in which individual lots are separately owned, the same person shall own the manufactured home to be situated thereon, and the owner of the lot shall agree that if the manufactured home is removed from its foundation, the owner shall within 30 days either replace the manufactured home with another approved home or remove the foundation, manufactured home accessory structures and other structures on the property and disconnect sewer, water and other utilities. The agreement shall further provide that the city may make the removal and dis-

connection and place a lien against the property for the cost of the work if the individual ownership shall comply with the lot size, yard, height, lot coverage and other requirements of the R-M zone in which it is situated.

(10) Off-Premises Signs. See Chapter 18.70 NBCC, Signs. (Ord. 1952 § 1(4), 2006)

Chapter 18.64

PLANNED HOUSING DEVELOPMENTS

Sections:

- 18.64.010 Planned unit developments.
- 18.64.020 Minimum standards for a PUD.
- 18.64.030 Application and development plan.

18.64.010 Planned unit developments.

(1) Conditional Uses. Planned housing developments and planned communities provided for in ORS Chapter 94 (collectively referred to as "PUDs") are conditional uses in all residential zoning districts within the city of North Bend, except the R-10 zone; provided, that they meet the standards of this chapter.

(2) Definitions. Definitions of terms for PUDs shall include those in ORS Chapter 94 relating to planned communities and, when applicable, definitions in ORS Chapter 92.

(3) Applicable Regulations. PUDs shall comply with both this title and NBCC Title 17, except that design standards in this title and NBCC Title 17 (other than those in this chapter) may be varied by the planning commission or hearings officer based on findings that a particular standard is unnecessary and inappropriate in a particular plan of development. (Ord. 1952 § 1(4), 2006)

18.64.020 Minimum standards for a PUD.

A PUD shall comply with the following minimum standards and criteria:

(1) Size. The minimum site size shall be three acres, except that a PUD may be allowed on a tract of land under three acres if the planning commission or hearings officer finds, upon a showing of the applicant, that a PUD is appropriate and not detrimental to adjoining property, and that:

(a) An unusual physical feature of the property exists which can be conserved and still leave the landowner equivalent use of the property through the planned development process;

(b) The property or its neighborhood has historical, topographical, or other distinctive features that are important to the local community that could be protected or enhanced by a PUD; or

(c) The property is adjacent to or in the immediate vicinity of a PUD of similar design and the developments would complement each other without significant impact on surrounding areas.

(2) Lot Coverage. Lot coverage requirements in a zone may be applied to the overall development

site of a planned community rather than individual lots.

(3) Parking. Off-street parking and loading shall comply with the standards of this title, except that parking shall be located within 200 feet of the dwelling it is intended to serve.

(4) Access. Access to a PUD shall be from a residential, collector or arterial street shown on an officially adopted street plan. The access and circulation of the PUD should be designed to have a minimum impact on minor residential streets surrounding the area.

(5) Internal Streets or Driveways. The internal streets and driveways of a PUD may be public or private subject to the following provisions:

(a) Public streets shall comply with NBCC Title 17, unless modified by the planning commission or hearings officer. A lot in a PUD need not abut a public street; provided, that it has adequate access to a public street.

(b) Private streets shall be maintained in a single or common ownership and may be owned or controlled by a homeowners' association.

(6) Density. No PUD shall be approved in any residential zoning district if the housing density of the proposed development will exceed by the maximum permitted density in the underlying residential district. Maximum housing density is calculated for this purpose by multiplying the total gross area of the development by the district density factor.

(7) Yards. Yard requirements for PUDs are as follows:

(a) Required yards shall be the same as provided in the applicable residential zone, except that when a lot abuts a common area dedicated to open space which will provide the same yard requirements, the yard area for the lot may be reduced accordingly.

(b) A minimum yard of at least 20 feet adjacent to a public street or alley and 10 feet from an adjoining property shall be maintained around the perimeter of the development site.

(c) The planning commission or hearings officer may permit variances from the minimum setback requirements between multifamily buildings in a PUD provided access is not limited to yard areas from streets and no public safety problems are created. (Ord. 1952 § 1(4), 2006)

18.64.030 Application and development plan.

For PUD conditional uses, the application and plan shall contain the following:

(1) Application. Applications for a PUD conditional use permit shall include all of the information necessary to show compliance with the standards and criteria of this chapter for the type of PUD proposed, and where there may be a division in the ownership of land, the application shall also comply with applicable provisions of NBCC Title 17.

(2) Preliminary Development Plan. Applications shall be accompanied by a preliminary development plan which shall provide the following information:

(a) A land use plan indicating all proposed uses within the PUD, and the type of ownership pattern (condominium, townhouse or multiplex lots, rowhouses). For planned communities, the plan should delineate operation and maintenance criteria consistent with ORS 94.550 through 94.785.

(b) All areas proposed to be dedicated for interior streets and circulation, public parks, playgrounds, school sites, public buildings or otherwise dedicated or reserved for public uses shall be shown on the plan.

(c) All open space, recreational and common areas that are to be maintained and controlled by the owners of the property, their successors and assigns, including private streets and ways, parking areas, swimming pools, tennis courts, and other common areas, under a management and operations plan shall be indicated.

(d) Public facilities, including lot drainage, storm drains, sanitary sewer, domestic water, street system (public or private) with appropriate dimensions, and a circulation plan showing circulation patterns.

(e) Pedestrian walkways, bike paths, and parking areas, including garages, carports, and similar uses.

(f) Location and number of all parcels, lots or units that will be made available for sale.

(g) A landscape plan, showing general orientation of tree locations, ground cover, grades, slopes, screen plantings and fences, and landscaped common areas.

(h) An architectural sketch, showing typical buildings, approximate location on the lots, and generally showing height, bulk, type of construction and architectural features.

(i) Drafts of appropriate conditions, covenants and restrictions and other documents (such as homeowners' association bylaws, etc.) providing for the reservation and maintenance of any open

space and recreation areas not dedicated to the public.

(j) Any other pertinent information necessary to assist the planning commission or hearings officer in making a determination, such as the development schedule for construction.

(3) Conditions. In approving a PUD, the planning commission or hearings officer may impose conditions in addition to those contained in Chapter 18.60 NBCC. Conditions may be imposed to assure maximum privacy and quiet for the separate families, to protect the adjacent streets from undue congestion, to provide for suitable open space and recreation area, and to carry out the general purposes of this title.

(4) Final Development Plan and Plat. A final development plan shall be filed for approval with the planning commission or hearings officer, and when applicable, a final plat will also be filed before approval.

(5) Changes and Amendments. Development plans may be amended as provided for conditional use permits in this title, and amendments to lot or parcel lines may be made as provided in NBCC Title 17. (Ord. 1952 § 1(4), 2006)

Chapter 18.68

OFF-STREET PARKING AND LOADING

Sections:

- 18.68.010 Off-street parking and loading required.
- 18.68.020 Minimum off-street parking space requirements.
- 18.68.030 Off-street parking restriction.
- 18.68.040 Off-street parking plan.
- 18.68.050 Off-street parking construction.
- 18.68.060 Design requirements for off-street parking.
- 18.68.070 Loading facilities.

18.68.010 Off-street parking and loading required.

In all zones except a C-C zone, off-street parking and loading space shall be provided as set forth in this chapter. (Ord. 1952 § 1(4), 2006)

18.68.020 Minimum off-street parking space requirements.

The minimum off-street parking space requirements are as follows:

(1) Residential Type of Development and Number of Parking Spaces.

Single-family dwelling	2 per dwelling
Multifamily dwelling	3 per 2 dwelling units
Sorority, fraternity or dormitory	1 per 3 occupants
Residential hotel, rooming or boarding house or club	2 per 3 guest rooms
Hotel or motel	1 per guest room or suite plus 1 per 2 employees
Manufactured home park/subdivision	1 per homesite plus 1 per site for guest parking at a convenient location
Planned unit development	2 per dwelling unit plus 1 per 2 units for guest parking at a convenient location

(2) Commercial Type of Development and Number of Parking Spaces.

General retail or personal service	1 per 300 square feet floor area
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Convenience store, mini-mart (if use includes fast food or convenience food with seating then additional parking is required)	1 per 330 square feet of floor area (plus 1 per 66 square feet of seating area plus 1 per 200 square feet of kitchen/storage area for food service use)
Building supplies, home improvement	1 per 500 square feet of retail floor area plus 1 per 1,000 square feet of warehouse or storage yard area
Furniture or appliance store	1 per 660 square feet floor area
Auto, boat or trailer sales, or nursery or landscape supplies	1 per 1,000 square feet floor area, plus 1 per 2 employees
Barber shop or beauty parlor	3 per 2 chairs or stations
General, professional or banking office	1 per 400 square feet floor area
Medical or dental office or clinic	1 per 200 square feet floor area
Eating or drinking establishment	
Sit-down restaurant/bars/taverns Fast food and convenience food	1 per 66 square feet of seating area plus 1 per 200 square feet of kitchen/storage area
Fitness/exercise club or facility	1 per 300 square feet of floor area
Theater, gymnasium, racetrack, stadium or similar use	1 per 4 seats or 8 feet bench length
Bowling alley	2 per lane
Skating rink or dance hall	1 per 100 square feet floor area, plus 1 per 2 employees
Amusement park	1 per 1,000 square feet floor area, plus 1 per 2 employees
Service station	1 per 4 fueling pumps/stations

(3) Institutional, Public and Quasi-Public Type of Development and Number of Parking Spaces.

Child care center, nursery or pre-school	1 per 200 square feet of classroom floor area
School, elementary, middle or junior high*	2 per classroom plus 1 per 200 square feet of office floor area plus 1 bus loading space per 2,000 square feet of classroom floor area

High school*	2 per classroom plus 1 per 200 square feet of office floor area plus 1 per 100 square feet of classroom floor plus 1 bus loading space per 3,000 square feet of classroom floor area
College, university or trade school	2 per classroom, plus 1 per 200 square feet of office floor area plus 1 per 60 square feet of classroom floor area
Library	1 per 400 square feet floor area, plus 1 per 2 employees
Church, chapel, mortuary or auditorium	1 per 4 seats or 8 feet bench length
Nursing or convalescent home	1 per 2 beds for patients and residents
Hospital	3 per 2 beds
Golf course	8 per hole
Swimming pools	1 per 200 square feet of building floor area

*NOTE: Bus loading space shall be clearly marked (painted) with appropriate signage. A bus space shall be a minimum of 10 feet in width and 45 feet in length.

(4) Industrial Type of Development and Number of Parking Spaces.

Building materials or industrial supplies	1 per 500 square feet of retail/wholesale floor area plus 1 per 1,000 square feet of warehouse or storage yard area
Storage, warehouse or manufacturing establishment; air, rail or trucking freight terminal	1 per 1,000 square feet of building floor area plus 1 per 400 square feet of office floor area
Public utility (gas, water, telephone, etc.)	1 per 400 square feet of office floor area plus 1 per 500 square feet of shop and/or warehouse floor area

(5) Requirements for a building or development not specifically listed herein shall be determined by the planning commission based upon the requirements of comparable use. (Ord. 1952 § 1(4), 2006)

18.68.030 Off-street parking restriction.

(1) Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the off-street parking requirements.

(2) Except for residential areas, required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.

(3) In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately.

(a) The minimum off-street parking requirements for a unified shopping area shall be computed at the time of initial construction or at such time that new construction creates additional floor area requiring additional parking spaces.

(4) Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature); and provided, that such right of joint use is evidenced by a deed, lease, contract or similar written instrument establishing such joint use.

(5) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials, except on a temporary basis for a special event. (Ord. 1952 § 1(4), 2006)

18.68.040 Off-street parking plan.

A plan drawn to scale indicating how the off-street parking and loading requirement is to be fulfilled shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

- (1) Delineation of individual parking spaces.
- (2) Circulation area necessary to serve spaces.
- (3) Access to streets, alleys, and properties to be served.
- (4) Curb cuts.
- (5) Dimensions, continuity and substance of screening.
- (6) Grading, drainage, surfacing and subgrading details.
- (7) Delineations of all structures or other obstacles to parking and circulation on the site.
- (8) Specifications as to signs and bumper guards. (Ord. 1952 § 1(4), 2006)

18.68.050 Off-street parking construction.

Required parking spaces shall be improved and available for use at the time of final building inspection. (Ord. 1952 § 1(4), 2006)

18.68.060 Design requirements for off-street parking.

Driveways and turnarounds providing access to parking areas shall conform to the following provisions:

(1) A driveway for a single-family or two-family dwelling shall have a minimum width of 10 feet.

(2) Except for a single-family or two-family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

(3) Except for a single-family or two-family dwelling, more than three parking spaces shall be served by 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. In no case shall two-way and one-way driveways be less than 24 feet and 12 feet respectively.

(4) Driveways, aisles, turnaround areas and ramps shall have minimum vertical clearance of 12 feet for their entire length and width but such clearance may be reduced in parking structures.

(5) Service drives to public streets shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection. No obstruction over 24 inches in height that has a cross section over 12 inches shall be permitted in such area.

(6) The following off-street parking development and maintenance shall apply in all cases, except single-family or two-family dwellings:

(a) Parking areas, aisles and turnarounds shall be paved with concrete, asphaltic or comparable surfacing, constructed to city standards for off-street vehicle areas.

(b) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

(c) Approaches shall be paved with concrete surfacing constructed to city standards. In the event

that a street is not paved, the approach may be maintained to the same standard as the street until the street is paved.

(d) Spaces shall be permanently and clearly marked.

(e) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way or other property line.

(f) Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than seven percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, ground cover or related material.

(g) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create a hazard to the public use of a street. (Ord. 1952 § 1(4), 2006)

18.68.070 Loading facilities.

(1) The minimum area required for commercial and industrial loading spaces is as follows:

(a) Two hundred fifty square feet for buildings of 5,000 to 20,000 square feet of gross floor area.

(b) Five hundred square feet for buildings of 20,000 to 50,000 square feet of gross floor area.

(c) Seven hundred fifty square feet for buildings in excess of 50,000 square feet of gross floor area.

(2) The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.

(3) If possible, required loading areas shall be screened from public view from public streets and adjacent properties.

(4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

(5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located at the site of a school having a capacity greater than 25 students. (Ord. 1952 § 1(4), 2006)

Chapter 18.70**SIGNS**

Sections:

- 18.70.010 Basis and purpose.
- 18.70.020 General provisions.
- 18.70.030 Definitions.
- 18.70.040 Signs allowed without permit.
- 18.70.050 Prohibited signs.
- 18.70.060 Special signs.
- 18.70.070 Standards – Residential zones.
- 18.70.080 Standards – Commercial and industrial zones.
- 18.70.090 Standards – R-T zone.
- 18.70.100 Standards – A-Z zone.
- 18.70.110 Coos Bay estuary management plan management units.
- 18.70.120 Variances.
- 18.70.130 Conditions for granting a variance.
- 18.70.140 Variance procedure.
- 18.70.150 Enforcement.
- 18.70.160 Appeals.
- 18.70.170 Forms of petitions, applications and appeals.
- 18.70.180 Time limit on a permit for a variance.
- 18.70.190 Interpretation.
- 18.70.200 Severability.
- 18.70.210 Penalty for violation.
- 18.70.220 Limitation and consolidation of proceedings.
- 18.70.230 Validity.

18.70.010 Basis and purpose.

The council of the city of North Bend 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 council of the city of North Bend further finds that the establishment of a uniform regulation for signs under one ordinance will facilitate the administration and understanding of the regulations provided in this chapter.

The provisions of this chapter are intended to:

- (1) Prevent signs from detracting from the enjoyment and pleasure of the city's natural beauty.
- (2) Provide uniform sign standards and fair and equal treatment of sign users.

(3) Protect public safety by ensuring that official traffic regulating devices are easily visible.

(4) Ensure the safe construction, erection, and maintenance of outdoor signs. (Ord. 1952 § 1(4), 2006)

18.70.020 General provisions.

(1) General Location of Signs. No sign allowed by this chapter shall be placed so that it is supported within a public right-of-way, unless this chapter specifies otherwise. Some signs may project over rights-of-way, subject to the standards for that type of sign or for the underlying zoning district.

(2) Permits.

(a) Signs will be reviewed and permitted through the building permits process before the installation of all signs except those exempted in NBCC 18.70.040. Permits may be issued to the sign contractor, to the owner or operator of the business or to the property owner.

(b) Applications for sign permits shall contain at least the following information:

- (i) Name and address of the applicant.
- (ii) Location of the property on which the sign is to be erected, and the amount of lot and building frontages.
- (iii) Dimensions of the sign and its height above grade.
- (iv) A sketch showing the location and dimensions of all existing and proposed signs on the premises.
- (v) A sketch or description of the advertising copy on the proposed sign.
- (vi) If required, a drawing showing clearly the structural elements.

(3) Installation and Maintenance. The installation of all signs shall be in compliance with the appropriate chapter of the State Structural Specialty Code in effect. No sign shall be erected, relocated, or maintained that prevents free ingress to or egress from any door, window, or fire escape required by code. All signs shall be maintained in a safe, complete, and neat condition.

(4) For the purpose of this chapter, the zoning districts are as follows:

- (a) Residential. Residential single-family and duplex zones, R-5, R-6, R-7, R-10; and multi-family zones, R-M.
- (b) Transitional. Residential with limited commercial, R-T zone.

(c) Commercial. Limited commercial zone, C-L; general commercial zone, C-G; central commercial zone, C-C.

(d) Industrial. Light industrial zone, M-L; heavy industrial zone, M-H.

(e) Airport. Airport zone, A-Z.

(5) Applicability of Chapter. Murals shall not be considered signs as long as they contain no advertising. (Ord. 1952 § 1(4), 2006)

18.70.030 Definitions.

“Animated electric signs” means electronic video or digital signs that display changing images, animated scenes or pictures. Animated electric signs that are distracting or confusing and may constitute a hazard to the public health, safety or welfare are not allowed in any zone. Definition does not include reader boards.

“Banner” means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind.

“Billboard” means a sign which advertises a business, commodity or activity which is not sold, manufactured or conducted on the property where the sign is located.

“Construction signs” means 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.

“Double-faced sign” means a sign with advertising on two surfaces, generally back to back or with an angle that does not exceed 45 degrees.

“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. Freestanding signs may be temporary or permanent and must comply with all other sign requirements for the zone.

“Frontage” means all property abutting a public right-of-way or building frontage along a parking lot.

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

“Height” is measured from the lowest point of the grade below the sign to the topmost point of the sign.

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

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

“Memorial signs” means nonilluminated memorial signs or tablets indicating the name of a building and/or the date of erection. Memorial signs shall not exceed five square feet.

“Monument sign” means a low profile free-standing sign affixed to the ground. A monument sign shall include a support structure of wood, masonry or concrete that is incorporated into the overall design of the sign.

“Mural” means any pictorial or graphic decoration other than a sign which is applied directly to a structure and is neither used for, or intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods or service by the use of a brand name, trademark, copyright or any other device restricted in use without permission of the owner.

“Nameplates” means nonilluminated, single-faced, wall-mounted nameplates indicating only the name, address, and occupation of the occupant. Nameplates shall not exceed two square feet.

“Off-premises sign” means a sign advertising a business, commodity or activity which is not sold, manufactured or conducted on the property where the sign is located.

“Political campaign sign” means a sign promoting a political candidate or other public election matter.

“Portable sign” means a freestanding sign such as an “A-frame” 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.

“Private traffic directional signs” means signs guiding vehicular and pedestrian traffic on private property may contain the name or logo but no other advertising copy.

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

“Public sign” means signs of a public or non-commercial nature, which shall include public

transit service signs, public utility information signs, directional signs, safety signs, danger signs, signs indicating scenic or historical points of interest, and all signs erected by a public officer in the performance of a public duty.

“Reader board sign” means a sign with letters and/or advertising that can be readily changed. Includes electronic message or mechanical reader boards. Definition does not include animated electronic signs.

“Real estate signs” means signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed.

“Roof line” means the top edge of a roof or the top of the parapet, whichever forms the top line of a building silhouette.

“Sign” means any device designed to inform or to attract the attention of persons not on the premises.

“Sign area” means an area measured within lines drawn between the outermost points of a sign but excluding essential sign structure, foundations or supports lying outside and below the limits of a sign and not forming an integral part of the display.

“Single-faced sign” means a sign with advertising on only one side.

“Special event signs” means signs or outdoor displays of a temporary nature advertising or promoting a specific event.

“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.

“Temporary sign” means a sign which is erected or displayed temporarily for a particular event, occurrence or purpose and which shall be removed within 30 days.

“Vehicle sign” means advertising copy painted or affixed to lawfully parked and operable vehicles or trailers.

“Wall-mounted 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, picture, symbol, banner, message or combination thereof designed to communicate information about the business, event, sale, or service placed inside or upon the window with the primary purpose of being viewed from the exterior. (Ord. 1952 § 1(4), 2006)

18.70.040 Signs allowed without permit.

(1) Public signs.

(2) Memorial signs. One memorial sign per building is allowed.

(3) Private traffic direction signs. Signs shall be less than three square feet and may be placed within a public right-of-way subject to approval by the city traffic committee subject to the following requirements:

(a) Color. The sign must have a blue background with white lettering.

(b) Dimensions. The sign shall be less than three square feet of surface area on one side.

(c) Clearance. The sign must be located a minimum of seven feet above grade. The mounting post cannot be located closer than two feet to the curb face or edge of the street travel surface if no curb is present. No portion of the sign may project beyond the curb face or the edge of the street travel surface.

(d) Illumination. The sign shall not be illuminated.

(4) Nameplates. Nameplates shall not exceed two square feet. One nameplate per dwelling unit or business allowed.

(5) Construction signs. A maximum of four signs per street frontage shall be allowed, not to exceed a total sign area of 24 square feet in residential zones, 32 square feet in commercial zones, and 32 square feet in all other zones. If there is more than one sign then the total combined sign area of the individual signs shall not exceed the maximum area specified above. These signs shall be removed within 30 days after the issuance of the building code occupancy permit or within 30 days of the signing of the final plat for land developments.

(6) Real estate signs. Signs are limited to one double-faced sign per property, not to exceed six square feet in residential zones, 24 square feet in commercial 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 four square feet 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.

(8) Window signs.

(9) Political campaign signs. Signs shall be less than six square feet per sign in residential zones and less than 32 square feet per sign in all other

zones. Signs shall be removed within five days after the voting date.

(10) Special event signs. Signs shall be removed within 14 days from the date the sign is displayed. These signs may contain or consist of banners, posters, pennants, ribbons, streamers, flags or other similar moving devices.

(11) Freestanding signs. In commercial zones (C-L, C-G, and C-C), freestanding signs, including sandwich boards, that comply with the sign regulations and zoning ordinance of the city may be placed on sidewalks adjacent to the premises to which the sign relates; provided, that such sign shall not occupy more than 20 percent of the width of the sidewalk measured from the property line. The area of one face of the sign shall not exceed nine square feet and the sign shall remain on the sidewalk only during business hours of the adjacent premises.

(12) Attraction devices. Devices, designs, or symbols which may consist of windsocks, posters, pennants, flags, 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.

(13) National, state, or city flags. Flags shall be maintained in a manner that befits the respect due to the entities they represent.

(14) Sign maintenance or changing copy. Painting, repainting, cleaning and other normal maintenance, changing advertising copy on a billboard, on a reader board, or on a permitted sign. Repair of a sign or a sign structure equal to or less than 50 percent of the replacement value of the sign or structure unless a structural change is made. Repair of a sign or a sign structure greater than 50 percent of the replacement value of the sign or sign structure will require applicable permits. (Ord. 1952 § 1(4), 2006)

18.70.050 Prohibited signs.

(1) Obscene or indecent signs. Any visual representation or verbal description of sexual conduct, sexual excitement, sado-masochistic abuse, or excretory functions or products, as further defined in ORS 167.060 et seq.

(2) Signs interfering with traffic. No sign shall be installed which will unduly distract or confuse operators of motor vehicles or aircraft by using words such as “stop,” “look” and “danger” by an appearance similar to traffic signs or lights.

No sign may contain lighting that will distract operators of motor vehicles or aircraft, including but not limited to rotating or animated signs, motion (video) picture, strobe or zip lights, rotary beacons, flashing lights, search lights, festoons of lights, strings of twirlers or propellers or flares.

(3) Defunct businesses. Signs that advertise an activity, business, product or services no longer operating or available on the premises, including all related off-premises signs, shall either be removed, covered, painted over or otherwise obscured within 30 days of the termination of said activity or business.

(4) Unsafe signs. No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. 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.

(5) Nonconforming signs. Signs that were lawfully installed prior to the adoption of the ordinance codified in this section may remain subject to subsection (4) of this section. 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. (Ord. 1952 § 1(4), 2006)

18.70.060 Special signs.

These signs require a permit and shall conform to the maintenance and safety requirements of NBCC 18.70.020(3) and to requirements of the underlying zone.

(1) Street Banners. Banners authorized to be erected over public rights-of-way that advertise events or entertainment of community interest under the sponsorship of a nonprofit organization. These banners may only be erected in places and in a fashion authorized by the planning 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, political campaign and real estate signs. One portable sign per business with a maximum of two faces and nine square feet or less per face is allowed and shall not be charged to the property's allowable sign area. Portable signs may not be placed in the public right-of-way fronting the business except as provided in NBCC 18.70.040(11).

(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. The sign area of these signs shall not exceed 15 square feet per side and the area 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 101 North and 101 South from the southern city limits to Montana.

(b) On the bayside of Virginia from Hamilton to Marion.

(c) On the north side of Newmark from Edgewood Drive to Broadway.

(4) **Billboards.**

(a) The sign area of 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.

(b) No billboard shall be allowed on the bayside of 101 North from the city limits to Montana, or on the bayside of Virginia from Hamilton to Marion, or on the north side of Newmark from Edgewood Drive to Broadway.

(c) Billboards located in the following areas that are along the state highways must obtain a permit from the Oregon Department of Transportation in addition to obtaining a permit from the city:

(i) Highway 101 North and South within the city limits.

(ii) Virginia from Highway 101 North to Broadway.

(iii) Broadway from Virginia to Newmark.

(iv) Newmark from Broadway to the western city limits.

(d) The size of billboards shall not exceed a total of 300 square feet; back-to-back installation on one supporting structure is permitted. There shall be not more than six billboards permitted within the city and shall be located subject to the limitations set forth in this chapter.

(e) The replacement of, or the relocation of, a billboard or billboard structure must be approved through a conditional use process by the planning commission pursuant to Chapter 18.60 NBCC. If structural repairs exceed 50 percent of the value of the sign it must conform to the current requirements and be approved through the conditional use process. (Ord. 1952 § 1(4), 2006)

18.70.070 Standards – Residential zones.

(1) **General.** This section shall apply to all residential zones listed in NBCC 18.70.020(4) (R-5, R-6, R-7, R-10 and R-M 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. Sign must be set back at least 15 feet from the edge of the curb line or the edge of the improved street travel surface. Sign shall not exceed three and one-half feet above ground level.

(b) Subdivisions, factory-built home parks, planned unit developments, other housing complexes, and other uses without structures thereon shall be allowed one additional sign with a maximum of two faces not exceeding 32 square feet in area per face to identify the premises.

(c) Residential care facilities and multifamily dwellings located in a multifamily zone shall be allowed one wall-mounted or double-faced free-standing sign not to exceed 15 square feet. Signs may be indirectly illuminated. Sign must be set back at least 15 feet from the edge of the curb line or the edge of the improved street travel surface. Sign shall not exceed three and one-half feet above ground level if located within 20 feet of the applicable "edge."

(d) Signs for commercial and civic uses (i.e., church, school, public facility or neighborhood market) shall be allowed through an administrative conditional use permit process. Sign not to exceed 15 square feet of area on one side. Sign shall not be within a public right-of-way. Signs

may be indirectly illuminated. Sign must be set back at least 15 feet from the edge of the curb line or the edge of the improved street travel surface. Sign shall not exceed three and one-half feet above ground level if located within 20 feet of the applicable "edge."

(3) Location.

(a) In addition to the requirements of NBCC 18.70.020(1), freestanding signs shall be set back at least 10 feet from the property line and shall not be placed within the vision clearance area or in a manner that obstructs vision or vehicular traffic.

(b) Building-mounted signs shall be placed flat against the wall and shall not project more than four inches from the building and shall not extend above the roof eave or roof overhang of the wall on which it is mounted. No sign shall be roof-mounted.

(4) Height. Subject to the requirements of subsections (2)(a), (b) and (c) of this section, 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 roof eave or overhang.

(5) Lighting. No flashing, moving, or animated lights shall be allowed. Lighting from all light sources operated for the purposes of sign illumination on property in a residential zoning district shall not infringe upon the neighboring property or public right-of-way. (Ord. 1952 § 1(4), 2006)

18.70.080 Standards – Commercial and industrial zones.

(1) General. This section shall apply to the C-L, C-C and C-G zones and the M-L and M-H zones listed in NBCC 18.70.020(4).

(2) Size.

(a) The total allowable sign area, inclusive of wall-mounted signs and banners, 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.

The total allowable sign area for the side or back of a building shall be a maximum of 0.5 square feet for each linear foot of the length of the side or back of the building. Said signs must be wall-mounted signs.

(b) Multistory Buildings. Ground floor businesses of multistory buildings shall be entitled to 100 percent of the maximum allowable sign area computed for the building based upon the lot or building frontage. Separate businesses located above or below the ground floor shall be entitled to 50 percent of the sign area authorized for the ground floor. The total sign area for any given floor shall not exceed the total allowable sign area calculated pursuant to subsection (2)(a) of this section.

(c) Shopping Centers. Each business in a shopping center shall be allowed sign area based upon the business' building frontage on a public right-of-way or parking lot pursuant to subsection (2)(a) of this section. Said sign(s) shall be affixed to the front of the building. Existing nonconforming signs that were legally permitted at the time the sign(s) was installed may be maintained, repaired or replaced subject to the provisions of NBCC 18.70.040(14) and 18.70.050(5). In the event that a nonconforming sign is replaced, the sign area of the new sign shall not be greater than the area of the sign being replaced. 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 NBCC 18.70.020(1) and as follows:

(a) Projecting Signs Including Marquees and Awnings. These signs shall not project more than eight feet beyond the property line and shall not be closer than two feet to any curb line. 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) Signs within the Central Commercial Zone (C-C). No sign shall be installed that will obstruct the view of an existing sign from vehicles traveling on a public right-of-way. For purposes of this chapter, a sign does not obstruct another if the entire sign is at a different elevation or 40 feet from such sign.

(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. All freestanding and roof-mounted signs in the airport overlay zone must meet FAA requirements.

(5) M-L and M-H Zone Off-Premises Signs. Off-premises signs in the M-L and M-H zone shall be subject to the following standards:

(a) Signs shall not have an area on one side in excess of 15 square feet.

(b) Signs shall be so located as not to obscure existing signs identifying or relating to a use of the premises on which it is located or other off-premises signs.

(c) Off-premises signs shall be located and contain information consistent with the primary purpose of giving directions to a use within the city of North Bend.

(d) Off-premises signs shall comply with NBCC 18.70.060(3). (Ord. 1952 § 1(4), 2006)

18.70.090 Standards – R-T zone.

(1) General. This section shall apply to the residential transitional zone (R-T).

(2) Size.

(a) Each building of a commercial or civic use shall be allowed either one double-faced sign no greater than 32 square feet per side or one single-faced sign no greater than 32 square feet.

(b) Residential uses shall conform to the requirements of NBCC 18.70.070(2)(a), (b), and (c).

(3) Location and Placement. A sign may be located anywhere on the property, provided it is in compliance with the provisions of this chapter.

(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 that obstructs vision or vehicular traffic. There shall be no roof-mounted signs.

(b) Commercial and Civic Uses. Signs shall not project over public property.

(4) Height. Freestanding signs shall not exceed five feet in height from grade to the top of the sign. There are no height limitations for flush-mounted wall signs, except that they shall not extend above the roof eave or overhang.

(5) Lighting. No flashing, moving, or animated lights shall be allowed. Lighting from all light sources operated for the purposes of sign illumination on property in a residential zoning district shall not infringe upon the neighboring property or public right-of-way. (Ord. 1952 § 1(4), 2006)

18.70.100 Standards – A-Z zone.

(1) General. This section shall apply to the airport zone (A-Z). All signs located within the air-

port zone must be approved by the airport manager to ensure compliance with Federal Aviation Administration (FAA) safety regulations.

(2) Size.

(a) The total allowable sign area, inclusive of wall-mounted signs and banners, 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.

(b) Multistory Buildings. Ground floor businesses of multistory 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' 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.

(d) Airport Directional Signs. Monument signs which provide information and directions regarding the airport and business park facilities may be allowed up to 72 square feet.

(3) Location and Placement. A sign shall be placed to have exposure from the frontage on which it is computed, in compliance with NBCC 18.70.020(1) and as follows:

(a) Projecting Signs Including Marquees and Awnings. These 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 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) 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.

(4) Height. Signs shall not exceed 20 feet in height measured from grade to the highest element of the sign. This requirement shall not apply to signs affixed to the walls. All freestanding and roof-mounted signs in the airport overlay zone must meet FAA requirements.

(5) Lighting. Architectural (building) lighting on any structure within the airport zone shall be restricted to conceal up lighting or down lighting. Such lighting shall be restrained in design and levels of illuminations so as not to be a hazard to airport operations or interfere with airport traffic control. If so requested by the North Bend Airport, the owner and/or lessee shall submit a signed and stamped drawing provided by an Oregon registered professional engineer.

Ground-mounted building identification signs shall be lighted with internally concealed, nonpulsing light. All lights must be white. Colored lights are prohibited. (Ord. 1952 § 1(4), 2006)

18.70.110 Coos Bay estuary management plan management units.

(1) General. Signs located within management units within the Coos Bay estuary management plan shall be regulated under the appropriate residential, commercial or industrial sections of this chapter consistent with the nature of the use or activity. (Ord. 1952 § 1(4), 2006)

18.70.120 Variances.

The planning commission 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 property for purposes not authorized within the zone in which the proposed use 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. (Ord. 1952 § 1(4), 2006)

18.70.130 Conditions for granting a variance.

No variance shall be granted unless it can be shown that all of the following conditions exist:

(1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topogra-

phy, or other circumstances over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

(3) The authorization of the variance will not be materially detrimental to the purposes of this title, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city development plan or policy.

(4) The variance requested is the minimum variance that will alleviate the hardship. (Ord. 1952 § 1(4), 2006)

18.70.140 Variance procedure.

The procedures to be followed in applying for and acting on a variance shall be substantially the same as those provided in Chapter 18.60 NBCC. (Ord. 1952 § 1(4), 2006)

18.70.150 Enforcement.

The planning director or, in the absence of a planning director, the city administrator shall have the power and duty to enforce the provisions of this chapter; and an appeal from a ruling by the planning director or city administrator shall be made to the planning commission. (Ord. 1952 § 1(4), 2006)

18.70.160 Appeals.

Appeals from decisions of the planning director or planning commission to the city council shall be taken under the following procedures:

(1) Notice of appeal must be filed with the city recorder within 10 calendar days of the date that the decision is filed with the city recorder and mailed or delivered to the parties; and if no appeal is taken within that time, then the decision of the planning director or planning commission shall be final and conclusive.

(2) The notice of appeal shall raise all issues relied on with sufficient specificity as to afford the city council and other parties an adequate opportunity to respond to and resolve each issue.

(3) Notice of the hearing before the city council on appeal shall be provided by mail to all parties who appeared in the proceeding before the hearings officer or planning commission and all property owners referred to in NBCC 18.60.040 at least 20 days before the date of the hearing. The notice shall contain the descriptions of all issues raised by the appellant in the notice of appeal, the other

applicable information from the notice provided for in NBCC 18.60.040, and the date, time and location of the hearing; and it shall state that a failure to raise an issue in person or by letter precludes appeal to the land use board of appeals on that issue, and that failure to specify to which criterion the comment is directed precludes appeal based on that criterion.

(4) All documents or evidence relied on by the applicant shall be submitted to the city and made available to the public at the time notice is provided, and any staff report to be used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such continuance will not be subject to the limitations of ORS 215.428 or 227.178.

(5) At the commencement of the hearing of appeal before the planning commission or city council, a statement shall be made describing the applicable substantive criteria and stating that testimony and evidence must be directed toward the criteria described, and that failure to address a criterion precludes appeal based on that criterion.

(6) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 215.428 or 227.178.

(7) When a record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

(8) The failure of the property owner to receive notice as provided in this chapter shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio or television.

(9) The decision of the commission or council is final when it is filed with the city recorder and mailed to the parties.

(10) Any person appealing a decision of the planning director or the planning commission shall be charged a reasonable fee for such appeal. The fee shall include the actual cost of the preparation of a transcript, if requested, and other costs involved with the appeal. (Ord. 1952 § 1(4), 2006)

18.70.170 Forms of petitions, applications and appeals.

All petitions, applications and appeals provided in this chapter shall be made on forms which comply with the provisions of this chapter and with applicable laws of the state of Oregon. All applications for sign permits shall be accompanied by plans and specifications, drawn to scale, showing the actual shape, dimensions and location of the sign and such other information as is needed to determine conformance with this chapter and with applicable building codes. (Ord. 1952 § 1(4), 2006)

18.70.180 Time limit on a permit for a variance.

Authorization of a variance to this chapter shall be void after six months unless a sign permit has been issued and substantial construction has taken place. However, the city council may extend authorization for an additional six months on request. (Ord. 1952 § 1(4), 2006)

18.70.190 Interpretation.

Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other ordinance, resolution or regulation of the city of North Bend, the provisions which are more restrictive shall govern. (Ord. 1952 § 1(4), 2006)

18.70.200 Severability.

The provisions of this chapter are severable. If any section, sentence, clause or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 1952 § 1(4), 2006)

18.70.210 Penalty for violation.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00; and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1952 § 1(4), 2006)

18.70.220 Limitation and consolidation of proceedings.

Whenever an application is made for a permit provided in this title or any related ordinance of the

city of North Bend which is required for a development project, then the applicant may elect to have any and all permits from the city processed at one time, and procedures may be consolidated as required or permitted by Oregon law and city ordinances. All applications or combinations of applications shall be processed and final action taken by the city, including appeals provided in city ordinances, within 120 days after the applications are deemed complete. (Ord. 1952 § 1(4), 2006)

18.70.230 Validity.

If any provision of this chapter shall, for any reason, be judged invalid or unconstitutional, the judgment shall not affect the validity of the rest of this chapter. (Ord. 1952 § 1(4), 2006)

Chapter 18.72

SUPPLEMENTARY PROVISIONS

Sections:

- 18.72.010 Zone boundaries.
- 18.72.020 General provisions regarding accessory uses.
- 18.72.030 Projections from buildings.
- 18.72.040 Maintenance of minimum ordinance requirements.
- 18.72.050 General exception to lot size requirements.
- 18.72.060 Exceptions to yard requirements.
- 18.72.070 General exception to building height limitations.
- 18.72.080 Access.
- 18.72.090 Vision clearance areas.
- 18.72.100 Zoning of annexed areas.

18.72.010 Zone boundaries.

Unless otherwise specified, zone boundaries are lot lines or the center lines of streets, alleys, railroad right-of-way, or such lines extended. (Ord. 1952 § 1(4), 2006)

18.72.020 General provisions regarding accessory uses.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

(1) Fences, hedges and walls located within front yards shall not exceed a height of three and one-half feet above ground level for a distance of 20 feet from the sidewalk or, if there is no sidewalk, the curb line, but if there is no sidewalk or curb, then the edge of the improved portion of the street.

(2) A greenhouse or hothouse may be maintained accessory to a dwelling.

(3) A guest house may be maintained accessory to a dwelling only if there are no cooking facilities in the guest house.

(4) In a residential zone a side yard may be reduced to two feet for an accessory structure erected more than 65 feet from a street other than an alley, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet. (Ord. 1952 § 1(4), 2006)

18.72.030 Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than 18 inches into a required yard. (Ord. 1952 § 1(4), 2006)

18.72.040 Maintenance of minimum ordinance requirements.

No lot area, yard, or other open space or required off-street parking or loading areas existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension, or size below the minimum required by this title, nor shall any lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use, except as provided in NBCC 18.68.030(4). (Ord. 1952 § 1(4), 2006)

18.72.050 General exception to lot size requirements.

If, at the time this title is adopted, a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the zone subject to the other requirements of the zone, except that residential use shall be limited to a single-family dwelling. (Ord. 1952 § 1(4), 2006)

18.72.060 Exceptions to yard requirements.

(1) In the case of dwellings, the following exception to the front yard requirement shall apply in any zone:

(a) If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. (Ord. 1952 § 1(4), 2006)

18.72.070 General exception to building height limitations.

The following types of structures or structural parts are not subject to the building height limitations of this title:

(1) Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections. (Ord. 1952 § 1(4), 2006)

18.72.080 Access.

All lots shall abut a street other than an alley for a width of at least 25 feet. (Ord. 1952 § 1(4), 2006)

18.72.090 Vision clearance areas.

Vision clearance areas shall be established at intersections as follows:

(1) In a residential zone, the distance determining the size of a vision clearance area shall be 30 feet.

(2) In all other zones except a C-G zone, the distance determining the size of a vision clearance area shall be 15 feet, except that when the angle of intersection between streets is less than 30 degrees the distance shall be 25 feet. (Ord. 1952 § 1(4), 2006)

18.72.100 Zoning of annexed areas.

Zoning procedures shall be included as a part of proceedings to annex territory to the city. A public hearing shall be held before the city council to consider a proposal to place annexed territory within a use zone provided in this title. The city council may combine in one hearing the question of the annexation of territory and the zoning of such territory. Before a decision has been made by the city council concerning the zoning of annexed territory, the planning commission of the city shall review the planning and zoning for such territory and make a report to the council containing the findings of fact. (Ord. 1952 § 1(4), 2006)

Chapter 18.76

NONCONFORMING USES AND STRUCTURES

Sections:

- 18.76.010 Continuation of nonconforming use or structure.
- 18.76.020 Nonconforming structure.
- 18.76.030 Discontinuance of a nonconforming use.
- 18.76.040 Termination of certain nonconforming uses.
- 18.76.050 Change of a nonconforming use.
- 18.76.060 Destruction of a nonconforming use.
- 18.76.070 Completion of structure.
- 18.76.080 Temporary nonconforming uses.

18.76.010 Continuation of nonconforming use or structure.

Subject to the provisions of NBCC 18.76.020 through 18.76.070, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time this title is adopted shall not be considered an extension of a nonconforming use. (Ord. 1952 § 1(4), 2006)

18.76.020 Nonconforming structure.

A structure conforming with respect to use but nonconforming with respect to height, setback, coverage or access may be altered or extended if the alteration or extension does not deviate further from the standards of this title. (Ord. 1952 § 1(4), 2006)

18.76.030 Discontinuance of a nonconforming use.

(1) If a nonconforming use involving a structure is discontinued from use for a period of one year, a further use of the property shall be for a conforming use.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use. (Ord. 1952 § 1(4), 2006)

18.76.040 Termination of certain nonconforming uses.

A nonconforming use not involving a structure or one involving a structure having an assessed

value of less than \$200.00 shall be discontinued within two years from the date this title is adopted. (Ord. 1952 § 1(4), 2006)

18.76.050 Change of a nonconforming use.

If a nonconforming use is replaced by another use, the new use shall conform to this title and shall not subsequently be replaced by a nonconforming use. (Ord. 1952 § 1(4), 2006)

18.76.060 Destruction of a nonconforming use.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of the fair market value as indicated by the records of the county assessor, a future structure or use shall conform to this title. (Ord. 1952 § 1(4), 2006)

18.76.070 Completion of structure.

(1) 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 issued and construction work has commenced prior to the adoption of this title, except that if the building is nonconforming or is intended for a nonconforming use it shall be completed and in use within two years from the time the building permit is issued.

(2) Alterations or Extensions within Five Years. Whenever a use has become nonconforming through the adoption of this title, then the planning commission may permit as a conditional use the alteration or extension of such use in instances where the application for the conditional use is filed with the city recorder within five years from the effective date of the ordinance codified in this title, which was March 30, 1962. (Ord. 1952 § 1(4), 2006)

18.76.080 Temporary nonconforming uses.

Permits for temporary nonconforming uses of property may be granted by the city council under the following procedures, terms, conditions and limitations:

(1) Temporary nonconforming uses shall be subject to the following conditions and limitations:

(a) No temporary nonconforming use shall be permitted for a period in excess of 120 days.

(b) No temporary use permit shall be granted unless it is determined that the proposed use will not adversely affect property within the neighborhood. For purposes of this section,

“neighborhood” is defined as property within 300 feet of the proposed use.

(c) Temporary use permits shall be made subject to such conditions and limitations as will protect the public health and safety.

(d) If a temporary nonconforming use cannot be so limited or conditioned as to make it safe, or if such use would involve a violation of any safety or building code, or other ordinance of the city, or law of the United States or the state of Oregon, then a permit for such use shall be denied.

(2) Applications for a temporary nonconforming use permit shall be made to the city administrator and shall contain the names and addresses of the applicant and the owners and possessors of the property involved, the zone within which such property is situated, a description of the use proposed for such property, the dates or times proposed for such use, and any proposals for handling traffic, parking, public safety and protection of adjoining properties from any adverse affects from such use.

(3) At a meeting held not later than 45 days after the filing of such application the planning commission shall hear and consider such application and make its recommendation to the city council concerning whether or not such application should be granted, together with any suggested terms, conditions and limitations for the permit.

(4) In the event that the proposed use is to be for a period longer than three days, then the application shall be accompanied by a fee set by resolution of the city council, and a hearing shall be held by the planning commission with the same notice as is provided for a variance under the terms of this title.

(5) After receiving a recommendation from the planning commission, the council may grant or deny a permit for a temporary nonconforming use, and may make any permit subject to such conditions, limitations and terms as may be necessary or convenient for the protection of the public health, safety and welfare. (Ord. 1952 § 1(4), 2006)

Chapter 18.80

VARIANCES

Sections:

- 18.80.010 Authorization to grant or deny variances.
- 18.80.020 Conditions for granting a variance.
- 18.80.030 Variance procedure.

18.80.010 Authorization to grant or deny variances.

The hearing officer or planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use 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 title. (Ord. 1952 § 1(4), 2006)

18.80.020 Conditions for granting a variance.

No variance shall be granted unless it can be shown that all of the following conditions exist:

(1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

(3) The authorization of the variance will not be materially detrimental to the purposes of this title, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city development plan or policy.

(4) The variance requested is the minimum variance which will alleviate the hardship. (Ord. 1952 § 1(4), 2006)

18.80.030 Variance procedure.

The procedures to be followed in applying for and acting on a variance shall be substantially the

same as those provided in Chapter 18.60 NBCC for the case of a conditional use. (Ord. 1952 § 1(4), 2006)

Chapter 18.84

AMENDMENT PROCEDURES

Sections:

- 18.84.010 Zone changes.
- 18.84.020 Plan and text amendment, annexations and vacations.
- 18.84.030 Application and fees.
- 18.84.040 Public hearing.
- 18.84.050 Record of hearings.

18.84.010 Zone changes.

(1) An amendment to the zoning map may be initiated by the city council, the planning commission, the planning director or by application of a property owner or his authorized agent. The procedures to be followed in applying for an amendment to the zoning map shall be substantially the same as those provided in applying for and acting on a conditional use permit.

(2) An amendment to the zoning map requires notification to DLCD as outlined in NBCC 18.84.020. (Ord. 1952 § 1(4), 2006)

18.84.020 Plan and text amendment, annexations and vacations.

Proposals for amendment of the comprehensive plan and changes in the text of the zoning ordinance may be initiated by the city council, the planning commission, the planning director or by application from a property owner or his authorized agent. Final action on amendments to the comprehensive plan, the text of the zoning ordinance, annexations and vacations shall be taken after public hearings before the city council and after receiving a report containing findings of the planning commission. All applications and all proposals initiated by the council and planning commission shall be referred to the planning commission which shall make a report of its findings to the council within 45 days of such referral.

The following DLCD notification requirements apply to all proposals to amend a comprehensive plan or land use regulation or to adopt a new land use regulation:

(1) A proposal for an amendment shall be forwarded to the director of the department of land conservation and development (DLCD) at least 45 days before the first scheduled evidentiary hearing on the application.

(2) The proposal forwarded to DLCD shall indicate the date of the final scheduled hearing, and

shall be accompanied by appropriate forms provided by DLCDC, a map on eight-and-one-half-inch by 11-inch paper (if possible) showing the area to be changed, and the existing and proposed designations, along with any supplemental information necessary to inform the director as to the effect of the proposal. The information submitted should explain the relationship of the proposal to the acknowledged plan and the goals, where applicable. Where a goal exception is proposed, the language of the exception should be included.

(3) When the North Bend city planner determines that the statewide planning goals do not apply to the proposed amendment, notice under subsection (1) of this section is not required.

(4) The city of North Bend may submit a proposed amendment with less than 45 days' notice if the city has determined that there are emergency circumstances requiring expedited review.

(5) All adopted amendments shall be submitted to DLCDC and to persons who participated in the proceedings after adoption as set forth in ORS 197.615, OAR 660-018-0050, and this section.

(6) Amendments and findings to support the adoption of these amendments shall be submitted to the director of DLCDC within five working days after the final decision, and shall be accompanied by appropriate forms provided by DLCDC. The city shall notify DLCDC of withdrawals or denials of proposals previously sent to DLCDC under this section, except that adopted amendments which are part of periodic review shall be submitted within 20 days after the final decision as provided in ORS 197.641 and OAR 660-019-0070. The date of the "final decision" as described in this rule shall be the date on which the city of North Bend takes final action, and includes the adoption of all supplementary findings and data. In addition, the date of final action shall be the day following exhaustion of all appeal rights before the city of North Bend.

(7) The city of North Bend shall indicate in its transmittal which provisions of OAR 660-018-0022 are applicable where the adopted amendment was not submitted for review 45 days prior to the final hearing on adoption.

(8) Where amendments, including supplementary materials, exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be submitted to DLCDC.

(9) If amendments which are adopted by the city are substantially changed from the original proposal, the city shall specify in the notice to

DLCDC the changes that have been made. (Ord. 1952 § 1(4), 2006)

18.84.030 Application and fees.

An application by a property owner, or their authorized representative, for amendment of the comprehensive plan or the text of the zoning ordinance or the zoning map shall be filed with the city planning department using forms prescribed for the purpose along with the appropriate fees as set by resolution of the city council. The application shall be accompanied by a list with the names and addresses of property owners within 100 feet of the subject property. The planning director, or the city administrator if there is no planning director, may require other drawings or information necessary to achieve an understanding of the proposed amendment and its relationship to surrounding properties. The application will be reviewed for completeness prior to scheduling the initial public hearing and initiating notice procedures. An application must be submitted at least 60 days prior to a scheduled planning commission hearing. (Ord. 1952 § 1(4), 2006)

18.84.040 Public hearing.

Before final action is taken by the city council on a proposed amendment to the comprehensive plan, the text of the zoning ordinance, zoning map, an annexation or a vacation, the city planning commission shall hold a public hearing and forward a recommendation to the city council concerning the proposed amendment, annexation or vacation. Procedures for holding hearings on vacations and annexations shall be as provided in the laws of the state of Oregon relating to such procedures, but in any cases where no such laws are applicable, then the hearing shall be held under the procedures provided in this section. Notice and procedures for holding public hearings by the city council shall be as follows:

(1) Notice of Hearing. Notice of all public hearings before the city council and planning commission shall be given by at least two publications in a newspaper of general circulation in the city which shall be one week apart and the last notice of the hearing shall be published not later than five days before the hearing.

(2) Recess of Hearing. The city council may recess a hearing for the purpose of obtaining additional information or providing additional notice to interested persons. Upon recessing the hearing the

council shall announce the time and date when the hearing will be resumed. (Ord. 1952 § 1(4), 2006)

18.84.050 Record of hearings.

A written or voice recorded record shall be taken of all public hearings held under the provisions of this title. Such record shall be kept by the city recorder until the time has expired for initiating all reviews and appeals and during the time that any review or appeal is pending. A written record need not be verbatim but it should include the name and residence of all witnesses, the facts presented by such witnesses and a reference to all other evidence presented. (Ord. 1952 § 1(4), 2006)

Chapter 18.88

**COOS BAY ESTUARY
MANAGEMENT PLAN**

Sections:

- 18.88.010 Administration.
- 18.88.020 District classifications.
- 18.88.030 Permits.
- 18.88.040 Part of zoning title.

18.88.010 Administration.

Except as otherwise provided in this chapter, the Coos Bay estuary management plan as adopted by the city of North Bend shall be implemented and administered under the procedures of this title on matters relating to land use and under the provisions of NBCC Title 17 on matters relating to the partitioning and subdividing of land. (Ord. 1952 § 1(4), 2006)

18.88.020 District classifications.

Areas within the city which are within the Coos Bay estuary coastal shorelands boundary shall be classified in zoning districts based on the designation of such areas as aquatic and shoreland segments within the Coos Bay estuary management plan. Such zoning districts shall overlap with the use zones designated in this title, and where consistent the uses and restrictions of both zones shall apply to such areas. In all areas where the zoning designations, regulations and restrictions contained in this title and the Coos Bay estuary management plan are inconsistent or conflicting, the zoning designations, regulations and restrictions of the Coos Bay estuary management plan shall prevail. (Ord. 1952 § 1(4), 2006)

18.88.030 Permits.

In addition to the requirements of this title for the issuance of use permits, such permits shall be issued for uses and activities within the Coos Bay estuary coastal shorelands boundary only after compliance with the following procedures:

(1) Applications for use permits shall be filed with the North Bend planning director and shall include a description of the proposed use and a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use. The planning director may request additional information as may be necessary to review and act upon the application, and the director shall provide the applicant with a decision based on criteria in the plan and

supported by written findings within 15 days after the filing of the application or after the receipt of all requested information.

(2) Uses and activities designated in the plan as “A” may be allowed subject to administrative review by the planning director for compliance with management objectives and general conditions.

(3) Uses and activities designated in the plan as “*” may be allowed by the planning director subject to compliance with management objectives, general conditions and any special conditions provided in the plan for such use.

(4) Uses or activities which will not comply with the Coos Bay estuary management plan except under specific conditions or limitations may be permitted by the planning director subject to such conditions and limitations. (Ord. 1952 § 1(4), 2006)

18.88.040 Part of zoning title.

This chapter shall be considered as a part of this title for the purpose of variances, nonconforming uses, appeals, amendments and enforcement. (Ord. 1952 § 1(4), 2006)

Chapter 18.92

ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

Sections:

- 18.92.010 Enforcement.
- 18.92.020 Appeal.
- 18.92.030 Forms of petitions, applications, and appeals.
- 18.92.040 Time limit on a permit for a conditional use or a variance.
- 18.92.050 Interpretation.
- 18.92.060 Severability.
- 18.92.070 Violation – Penalty.
- 18.92.080 Limitation and consolidation of proceedings.
- 18.92.090 Wetland notification procedures.

18.92.010 Enforcement.

The planning director or, in the absence of a planning director, the city administrator shall have the power and duty to enforce the provisions of this title, and an appeal from a ruling by the planning director or city administrator shall be made to the planning commission. (Ord. 1952 § 1(4), 2006)

18.92.020 Appeal.

Appeals from discretionary land use decisions of the hearings officer or planning director go to the planning commission and appeals from the planning commission go to the city council. Appeal hearings shall be conducted as de novo hearings and shall be taken under the following procedures:

(1) Notice of appeal must be filed with the city planning department, along with the appropriate fee, within 10 calendar days of the date that the decision is reduced to writing and mailed to the parties of record, and if no appeal is taken within that time, then the decision of the hearings officer, planning director or planning commission shall be final and conclusive.

(2) The notice of appeal shall establish the appellant’s party status and raise all appeal issues relied on with sufficient specificity as to afford the planning commission or city council and other parties an adequate opportunity to respond to and resolve each issue. An issue which may be the basis for an appeal shall be raised during the applicable public comment period for the decision. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the planning

commission or city council an opportunity to respond to each issue.

(3) Notice of the hearing before the planning commission or city council on appeal shall be provided by mail to all parties who appeared in the proceeding before the hearing officer or planning commission and all property owners referred to in NBCC 18.60.040 at least 20 days before the date of the hearing. The notice shall contain the descriptions of all issues raised by the appellant in the notice of appeal, the other applicable information from the notice provided for in NBCC 18.60.040, and the date, time and location of the hearing, and it shall state that a failure to raise an issue in person or by letter precludes appeal to the city council or land use board of appeals on that issue, and that failure to specify to which criterion the comment is directed precludes appeal based on that criterion.

(4) All documents or evidence relied on by the applicant shall be submitted to the city and made available to the public at the time notice is provided, and any staff report to be used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Such continuance will not be subject to the limitations of ORS 227.178.

(5) At the commencement of the hearing of appeal before the planning commission or city council, a statement shall be made describing the applicable substantive criteria and stating that testimony and evidence must be directed toward the criteria described, and that failure to address a criterion precludes appeal based on that criterion.

(6) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.

(7) When a record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(8) The failure of the property owner, or others with party status, to receive notice as provided in this title shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other

means, including posting, newspaper publication, radio and television.

(9) The decision of the planning commission or the city council is final when it is reduced to writing and mailed to the parties of record. (Ord. 1952 § 1(4), 2006)

18.92.030 Forms of petitions, applications, and appeals.

All petitions, applications and appeals provided in this title shall be made on forms which comply with the provisions of this title and with applicable laws of the state of Oregon. All applications for building permits shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine conformance with this title and with the building code. (Ord. 1952 § 1(4), 2006)

18.92.040 Time limit on a permit for a conditional use or a variance.

Authorization of a conditional use or variance shall be void after 12 months from the date the decision was final unless the conditional use or variance has been implemented or a building permit has been issued and substantial construction has taken place. However, the final granting authority of the permit (planning director, planning commission or city council) may authorize a one-time extension of the permit for an additional 12 months upon request from the applicant or their authorized representative, provided the request for an extension is submitted, along with the appropriate fee, to the planning department prior to the expiration date of the original permit. (Ord. 1952 § 1(4), 2006)

18.92.050 Interpretation.

Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. (Ord. 1952 § 1(4), 2006)

18.92.060 Severability.

The provisions of this title are severable. If any section, sentence, clause, or phrase of this title is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 1952 § 1(4), 2006)

18.92.070 Violation – Penalty.

Violation of, or failure to comply with, any provision of this title is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this title. (Ord. 1952 § 1(4), 2006)

18.92.080 Limitation and consolidation of proceedings.

Whenever an application is made for a permit provided in this title or any related ordinance of the city of North Bend which is required for a development project, then the applicant may elect to have any and all permits from the city processed at one time, and procedures may be consolidated as required or permitted by Oregon law and city ordinances. All discretionary land use applications or combinations of discretionary land use applications shall be processed and final action taken by the city, including appeals provided in city ordinances, within 120 days after the applications are deemed complete. (Ord. 1952 § 1(4), 2006)

18.92.090 Wetland notification procedures.

(1) The city shall provide notice to the Division of State Lands, the applicant and the owner of record within five working days of the acceptance of any complete application for any of the following activities that are wholly or partially within areas identified as wetlands on the State-Wide Wetlands Inventory:

- (a) Subdivisions;
- (b) Building permits for new structures;
- (c) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or developments in floodplains and floodways;
- (d) Conditional use permits and variances that involve physical alterations to the land or construction of new structures;
- (e) Planned unit development approvals.

The notification provisions set forth in this section do not apply if a permit from the Division of

State Lands has been issued for the proposed activity.

(2) The city may approve an activity described in this section only when a notice statement has been received from the Division of State Lands indicating one of the following:

(a) Issuance of a required permit under ORS 196.600 to 196.905 by the Division of State Lands prior to any physical alteration within the wetlands;

(b) Notice from the Division of State Lands that no permit is required;

(c) Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.

If the Division of State Lands fails to respond to any notice provided within 30 days of notice, the city approval may be issued with written notice to the applicant and owner of record that the proposed action may require state or federal permits.

The city may issue local approval for parcels identified as or including wetlands on the State-Wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Division of State Lands with a copy of the notification.

Notice of activities authorized within an approved wetland conservation plan shall be provided to the Division within five days following local approval.

Failure of the city to provide notice as required by this section will not invalidate city approval. (Ord. 1952 § 1(4), 2006)

