

ARTICLE 3.3
SUPPLEMENTAL PROVISIONS
LOTS/YARDS

ARTICLE 3.3. SUPPLEMENTAL PROVISIONS – LOTS/YARDS

SECTION 3.3.100. Lot Standards. Except as provided in (4) below no buildings or structures shall be located on a lot, parcel or tract unless the lot, parcel or tract conforms with the requirements of the district in which it is located.

1. After the effective date of any ordinance establishing any zoning district, no land in such district may be divided by the recordation of any map or by voluntary sale, contract of sale, or conveyance of any kind which creates a new parcel or land less than the minimum lot standards required for the district.

2. Every new residential dwelling unit shall have its own legal, separate lot or parcel excepting:
 - A. family hardship dwellings,

 - B. dwellings in conjunction with farm use on EFU lands,

 - C. planned unit developments,

 - D. two-family duplex or multi-family dwellings.

 - E. Additional dwellings in conjunction with farm use in the “Mixed Agricultural-Forest Use” areas.
(ORD 85-08-011L)

For the purpose of this Article a “legal, separate lot or parcel” shall have the meaning as defined by Section 3.3.800.

3. Every lot or parcel shall have a minimum width not less than that prescribed in the district under consideration. This dimension is minimum only and shall be increased to attain the minimum lot area required.

4. Exceptions to Minimum Lot Standards [This only applies if the use is permitted outright by the subject zoning district (except if the use is a conditional use, the conditional use provisions shall govern); and if the lot or parcel is “landlocked” without access, access must be created prior to approval or issuance of any land development zoning clearance letter or permit. Further, this

subsection is subject to resource protection limitations as provided elsewhere in the Comprehensive Plan.]

- A. Grandfathered Parcel or tract: Where a legally created parcel or tract was of record prior to adoption of this Ordinance, the parcel or tract may be used subject to all other property use and development standards of the district in which the parcel or tract is located. (See Section 3.3.800)
- B. Subdivisions, Approved Prior to this Ordinance and Not Located in a Resource Zone: A residential dwelling may be permitted outright or may be subject to an administrative conditional use (provided the dwelling is permitted by the parent district) per the following table:

| | PERMITTED OUTRIGHT* | SUBJECT TO ADMINISTRATIVE CONDITIONAL USE # |
|---|------------------------|--|
| Rural | | |
| 1. For plats approved <u>after</u> February, 1975 | XX | |
| 2. For plats approved <u>before</u> February, 1975 | | |
| a. lots (or a combination of contiguous lots in the same ownership) greater than or equal to one acre | XX | |
| b. lots (or combination of contiguous lots in the same ownership) less than one acre | | XX + |
| UGB | | |
| 1. All | XX | |

* Except such would be a conditional use when the lot is located within (I) a Coastal Shoreland Boundary, or (ii) a known hazard area, pursuant to the Comprehensive Plan.

+ The proposed dwelling must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.

Any lot in a platted subdivision may be transferred to a separate ownership, regardless of other contiguous ownerships.

- C. The following uses shall be exempt from the minimum lot area requirements of the applicable zoning districts, other property development standards shall apply:

| | |
|------------------|--|
| Utility Facility | Fire Station |
| Libraries | Museums |
| Cemetery | Correctional Institution, Jail, Penal Farm |
| Dams | House of Worship |
| Schools | Community Center, Grange, or Lodge Hall |

- D. The creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:
1. The subject property is not zoned for resource use (i.e., EFU, F, CREMP Agriculture, or CREMP Forestry); and
 2. An existing dwelling constructed prior to January 17, 1983 will remain sited on each proposed parcel; and
 3. A land division is submitted and approved by Coos County pursuant to this Ordinance.
- E. Any parent parcel partially zoned MES may combine the land area zoned MES with the remaining parent parcel acreage for the purpose of satisfying the minimum lot size (MLS) requirements of the non-shoreland zoning district.
- F. Other exceptions may be permitted where listed as a conditional use and subject to Article 5.2 and any other required findings.

SECTION 3.3.150. Property Line Adjustments. A property line adjustment is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel and where an existing unit of land that is reduced in size by the adjustment complies with all other provisions of this Ordinance. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat.

SECTION 3.3.151. Procedure. A single adjustment of one line between two abutting properties will be approved as a ministerial act.

Multiple adjustments between more than two abutting properties will be processed as a land use decision and may be approved as a single application on condition that each adjustment is

completed prior to the next, in accordance with ORS Chapter 92. Land owners seeking property line adjustment(s) must file with the Planning Department:

1. A scaled plot plan shall be submitted with an application for a property line adjustment showing:
 - a. All existing property lines;
 - b. The proposed location of the adjusted property line;
 - c. The location of existing buildings, with distances to the existing and the proposed property line;
 - d. The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and
 - e. The existing size and the proposed size of each lot or parcel, in square feet or acres.
2. Written consent from all owners of the properties that will be modified by the property line adjustment.
3. If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, except, a survey and monumentation are not required when:
 - a. all parcels will be greater than 10 acres or when the property line adjustment involves the sale; or
 - b. there is a grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes property.
4. If required, a survey complying with ORS 209.250 must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment.
5. Within one year of the date of final approval of an application for a property line adjustment a deed must be recorded with the County Clerk. The deed shall contain the names of the parties, the description of the adjusted property line, references to original recorded documents, and signatures of all parties with proper acknowledgement (ORS 92.190). The deed shall also contain a separate description of the area being conveyed from one parcel to the other and shall contain a statement that the conveyance is part of a property line adjustment.

SECTION 3.3.152 Approval Criteria. A property line adjustment may be approved if it complies with all of the following:

1. The existing lots or parcels were lawfully created in accordance with Section 3.3.800;

2. No new parcels will result from the adjustment;
3. All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;
4. All adjusted parcels shall be large enough to accommodate a use allowed in the zone where the property is located, including an on-site septic system.
5. Resulting lots or parcels shall comply with all applicable zoning ordinance provisions after the adjustment, unless the adjustment meets one of the following exceptions:
 - a. One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or
 - b. Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment, or
 - c. Property line adjustments by a public body for the purpose of incorporating excess right-of-way property into adjacent property shall not be subject to minimum lot size requirements.
6. Property line adjustments on land zoned Exclusive Farm Use, Forest and Forest Mixed Use may not be used to:
 - a. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - b. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
7. The adjustment shall not result in parcel(s) that overlap a city limit or county line.

8. The adjustment shall not result in the loss of access to any parcel unless alternative access complying with Article 7.1 is provided.
9. If any of the parcels involved in the lot line adjustment(s) is subject to conditions of a prior land use permit, then the area added to that parcel shall be subject to any conditions imposed under the permit.

SECTION 3.3.200. Yard Regulations. All parcels of land shall provide yards as specifically required in each district.

1. No portion of any building or structure shall project into any required yard excepting:
 - a. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues; such architectural features shall not project more than 24 inches into a required yard unless otherwise provided by this Ordinance.
 - b. Uncovered, unenclosed porches, platforms or landings which do not extend above the level of the first floor of the building may extend into any required front yard a distance of not more than six (6) feet and may extend into any required side or rear yard not more than three (3) feet.
 - c. Open, unenclosed stairways, ramps, or balconies not covered by a roof or canopy may extend or project into any required yard not more than forty-eight (48) inches.
2. Setback Exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.

SECTION 3.3.300. Fences, Hedges, and Walls. This section provides for the regulation of the height and location of fences, hedges, and walls and safeguards the public welfare. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state, or federal law, or by safety requirements of any officially recognized public agency.

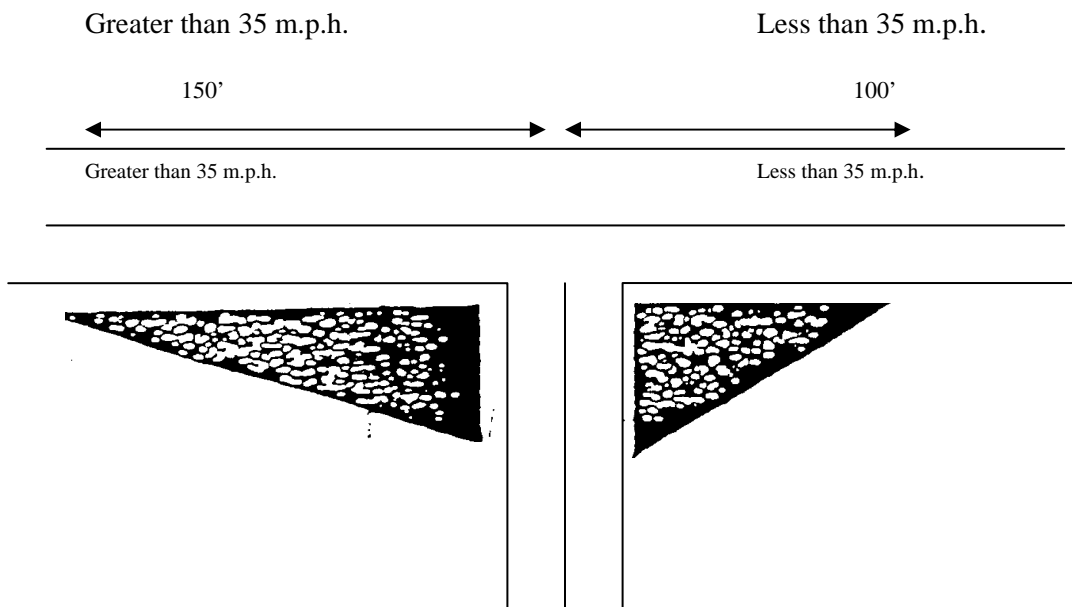
1. Visual Obstructions. Visual obstructions at street and highway intersections are governed by Section 3.3.400 (Vision Clearance Triangle).

2. **Required Fences and Walls.** A fence or wall shall be constructed along the perimeter of all areas considered by the Hearings Body or Planning Director to be dangerous to the public health and safety. The height of such wall shall be determined by the Hearings Body or Planning Director in relation to the danger or hazard involved. This fence or wall may be required if a use requires a permit, or at the discretion of the Hearings Body.

SECTION 3.3.400. Vision Clearance Triangle. The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein.

In addition to street or road intersections, the provisions of this section shall also apply to: mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 m.p.h.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



SECTION 3.3.500. Maintenance of Minimum Requirements.

1. Within Urban Growth Boundary: No lot area, yard, offstreet parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use, such as utility easements, access easements, road and street right-of-ways or septic drainfields.
2. Outside Urban Growth Boundary: No lot area, yard, offstreet parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This does not include utility easements, private road access easements or septic drainfields; but does include all public road and street right-of-ways.

SECTION 3.3.600. (RESERVED)

SECTION 3.3.700. (RESERVED)

SECTION 3.3.800. Lawfully Created Lots and Parcels. The following lots or parcels shall remain discrete lots or parcels, unless individual lot or parcel lines are changed or vacated or the individual lot or parcel is further divided as provided by this Ordinance:

1. Lots or parcels created prior to January 1, 1986; or
2. All lots or parcels lawfully created after January 1, 1986. (OR-00-05-014PL)
3. Separate tax lot or tax account numbers do not in themselves divide property into separate discrete lots or parcels.
4. Mortgages, trust deeds, or liens do not divide property.
5. Deeds for lawfully created lots or parcels not in the “same ownership” do divide property. “Same ownership” shall include land deeded to the same persons (initials are considered the same full names).

| OWNERS OF PROPERTY "A" | OWNERS OF CONTIGUOUS PROPERTY "B" | DOES A SEPARATE TRACT, LOT OR PARCEL EXIST |
|------------------------|-----------------------------------|--|
| John Adam Doe | John Doe | No |
| J. Adam Doe | John A. Doe | No |
| John & Mary Doe | J.A. & M.S. Doe | No |
| John A. Doe | Mary S. Doe | Yes |
| John & Mary Doe | M.S. Doe | Yes |

6. Land sales contracts and trust deeds do divide property if there are no applicable planning, zoning or partitioning ordinances or regulations.
7. The presence of public road easements or public road dedications do not of themselves divide property into separate discrete lots or parcels. (OR 93-02-001PL 3-31-93)
8. Submerged lands claimed by the state in fee and other intervening ownerships, do divide property into separate discrete lots or parcels.
9. Private road easements do not divide property.