

COQUILLE INDIAN TRIBAL CODE

Chapter 315

Land Use and Zoning Ordinance

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Land Use and Zoning Ordinance

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315.010 Title. This Ordinance shall be known as the Zoning Ordinance of the Coquille Indian Tribe.

315.015 Scope and Purpose. This Ordinance shall apply to all land use activities on the Coquille Indian Tribe Empire Trust Land. The purpose of the Ordinance is to ensure that use of the Tribe's lands is appropriate and consistent with the goals, vision, and mission of the Coquille Indian Tribe.

315.020 Definitions. In the following subsections are definitions of terms used in this Ordinance. If a term is not defined in this Ordinance, then it shall have the definition provided in the building code which is enforced within the Tribe at the time that the definition becomes applicable.

1. "Accessory Dwelling Unit" ("ADU") means a second dwelling unit created on a lot with a house, attached house or, if permitted, a manufactured home. The second unit is created auxiliary to, and is smaller than, the main dwelling. ADUs can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, conversion of an existing garage or the construction of an entirely new building. The maximum size of an ADU may be no more than 75% of the living area of the house or 800 square feet, whichever is less. Living area is calculated by excluding the following areas from the overall gross building area: (a) the thickness of the exterior walls; (b) garage areas; (c) basement areas where the ceiling height measured from the floor is less than 6 feet 8 inches; and (d) any other building areas where the floor to ceiling height is either less than 5 feet, or areas not accessible by a stairway.
2. "Accessory Use" means use of the property and which is located on the same lot with the main use. A home occupation is an accessory use.
3. "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.
4. "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.
5. "Apartment House". See "Dwelling, multi-family."
6. "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.

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7. "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.
8. "Buffers" refer to the zone contiguous with a sensitive aquatic environment that is required to protect and maintain the functions and structural stability of that environment. The critical functions of a buffer associated with an aquatic system (riparian buffers) include, but are not limited to, shading, the existence of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, interception of fine sediments, storage of overflow during high water events, protection from disturbance by humans and domestic animals, preservation of wildlife, fish and plant habitat, preservation of wildlife migration corridors, and room for slight variation of aquatic system boundaries over time due to hydrologic or climatic effects.
 - A. The critical functions of terrestrial buffers include, but are not limited to, protection of slope stability, protection from disturbance by human and domestic animals, attenuation of surface water flows from storm water runoff and precipitation, and erosion control.
 - B. The required buffer width for freshwater wetlands or streams shall be dependent upon the class of the wetland or stream.
9. "Building" means a structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.
10. "Church" means a place of bona fide religious worship, and is not confined to any specific religion or sect.
11. "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.
12. "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.
13. "Dwelling, duplex" or "dwelling, two-family" means a Two-Family Dwelling.
14. "Dwelling, multifamily" means a building containing three or more dwelling units.
15. "Dwelling, single-family" means a detached building containing one dwelling unit.
16. "Dwelling unit" means one or more rooms designed for occupancy by one family and not having more than one cooking facility.
17. "Family" means an individual or two or more persons living together in a dwelling unit in which board and lodging are available; if the total number of such persons shall not exceed one for every 200 square feet of living space within a dwelling unit.
18. "Fence, sight-obscuring" means a fence or vegetative planting arranged in such a way as to obstruct vision.
19. "Floor area" means the area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

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20. “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.
21. “Frontage” means all property abutting a public right-of-way or building frontage along a parking lot.
22. “Garage, private” means an accessory building or portion of a main building used for parking or temporary storage of vehicles owned or used by occupants of the main building.
23. “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.
24. “Grade (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.
25. “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 the case of walls that 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.
26. “Height of sign” is measured from the lowest point of the grade below the sign to the topmost point of the sign.
27. “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.
28. “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-1, 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.

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29. "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.
30. "Hotel" means a building in which lodging is provided to guests for compensation.
31. "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.
32. "Lot" means, for the purposes of this Ordinance, a parcel or tract of land.
33. "Lot area" means the total horizontal area within the lot lines of a lot.
34. "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.
35. "Lot depth" means the horizontal distance from the midpoint of the front lot line to the mid-point of the rear lot line.
36. "Lot, interior" means a lot other than a corner lot.
37. "Lot line" means the property line bounding a lot.
38. "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.
39. "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.
40. "Lot line, side" means any lot lines not a front or rear lot line.
41. "Lot width" means the horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
42. "Lot width" means the horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
43. "Manufactured home (dwelling)" is defined as a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
44. "Marquee" means a permanent or temporary roofed structure attached to, supported by the building, and projecting over public property.
45. "Memorial signs" means non-illuminated memorial signs or tablets indicating the name of a building and/or the date of erection, and which do not exceed five square feet.
46. "Monument sign" means a low profile free-standing sign affixed to the ground, and which includes a support structure of wood, masonry or concrete that is incorporated into the overall design of the sign.

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47. "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.
48. "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.
49. "Nameplates" means non-illuminated, single faced, wall-mounted nameplates indicating only the name, address, and occupation of the occupant, and which do not exceed two square feet.
50. "Nonconforming structure or use" means a lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
51. "Off-premises sign" means a sign advertising a business, commodity or activity that is not sold, manufactured or conducted on the property where the sign is located.
52. "Parking space" means a rectangle not less than eighteen 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.
53. "Permit Administrator" means the person or persons appointed and designated by the Tribal Council to carry out permitting, review, and enforcement responsibilities under this Ordinance.
54. "Person" means every natural person, firm, partnership, association or corporation.
55. "Political campaign sign" means a sign promoting a political candidate or other public election matter.
56. "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.
57. "Private traffic directional signs" means signs guiding vehicular and pedestrian traffic on private property that contains a name or logo but no other advertising copy.
58. "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.
59. "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.

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60. "Reader board sign" means a sign with letters and/or advertising that can be readily changed and includes electronic message or mechanical reader boards but does not include animated electronic signs.
61. "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.
62. "Reservation" means the Coquille Indian Tribe's Empire Trust Land.
63. "Roof line" means the top edge of a roof or the top of the parapet, whichever forms the top line of a building silhouette.
64. "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.
65. "Screening" has the same meaning as "Fence, sight-obscuring."
66. "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.
67. "Sign" means any device designed to inform or to attract the attention of persons not on the premises.
68. "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.
69. "Single-faced sign" means a sign with advertising on only one side.
70. "Special event signs" means signs or outdoor displays of a temporary nature advertising or promoting a specific event.
71. "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.
72. "Streams" refer to those areas of the Coquille Indian Reservation where surface waters have sufficient flow to produce a defined channel or bed, in which A channel or bed does not have to contain water year-round to indicate the presence of a stream, so long as there is no vegetation in the stream channel, there is a defined channel, and there are signs of annual scour and deposition.. A "stream" does not include areas identified as artificial watercourses (constructed stormwater drainage systems) unless they are used to convey class 1 or 2 streams that occurred naturally prior to construction of the artificial drainage network.
 - A. Class 1 Stream. "Class 1 stream" means all streams that flow year round during years of normal rainfall or are used by salmonids.

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- B. Class 2 Stream. "Class 2 stream" means all streams that are intermittent or ephemeral during years of normal rainfall and are not used by salmonids.
73. "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.
74. "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.
75. "Structure" means 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.
76. "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.
77. "Two-Family Dwelling" means either (a) a duplex; or (b) a Single Family Dwelling plus an Accessory Dwelling Unit, as defined above.
78. "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
79. "Vehicle sign" means advertising copy painted or affixed to lawfully parked and operable vehicles or trailers.
80. "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 plot lines will be extended in a straight line to a point of intersection. The vision clearance area shall contain no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet in height measured from the top of the curb.
81. "Wall-mounted sign" means a sign affixed directly to or painted or otherwise inscribed on an exterior wall and confined to the limits thereof.
82. "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.
83. "Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.
84. "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 foundation of the building.

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85. "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 foundation of the main building.
86. "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 foundation of the building.
87. "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.

315.100 Compliance with Ordinance and issuance of permits.

1. Applications for new construction, reconstruction and/or alterations to an existing structure must be completed along with the required documentation and fees, and approved with permits issued by the Tribal Council or their designee before the work can commence.
2. 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 Ordinance.
3. Applications for occupancy permits shall list the names and addresses of the leaseholders and occupants of the 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.

315.200 Classification of zones. For the purpose of this Ordinance, the Reservation lands are divided into zones designated as follows:

Residential:

Single-Family	R-1
Single-Family and Duplex	R-2
Multifamily	R-M
General Commercial	G-C
Light Industrial	L-I
Forest	F
Open Space	O-S
Agriculture	A

315.201 Zoning map.

The location and boundaries of zones designated in CIT Ordinance 315 shall be established in a Land Use and Zoning Map that is approved by Tribal Council resolution. From time to time, the Tribal Council may amend the Land Use and Zoning Map by resolution.

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BUILDING PERMIT PROCESS AND PROCEDURE

315.205 Activities Not Requiring Permits.

Any land use permitted outright in any zone, but not including the construction of buildings or structures, may be conducted without seeking a permit, provided it is conducted in accordance with the provisions of this Ordinance.

315.207 Activities Requiring Permits.

1. Building Permit. No building, other structure may be erected, moved, added to, or structurally altered without a building permit.
2. Conditional Use Permit. No person shall engage in any land use that may only be conducted as a conditional use within a zone without first obtaining a conditional use permit from the Tribal Council or its designee. Conditional use permit requirements are more fully addressed in CITC 315.705.

315.210 Conditional Use Permit Application.

A conditional use permit application shall contain, at a minimum, the following information:

1. The legal description of the land involved;
2. Name or names of the leaseholder(s) and all other persons with any legal or beneficial interest in the land;
3. Description of the current land use and all existing building or structures;
4. Description of the land use proposed, including plans of any buildings, roads, structures, or land or vegetation disturbing activities proposed;
5. The applicant's explanation of how the building to be built or the conditional use conforms to the requirements of this Ordinance; and,
6. Such additional information as the Permit Administrator may require at the time of application or thereafter as may be necessary to determine conformance with this Ordinance.
7. The Tribal Council may develop or designate forms for use as conditional use permit applications.

315.213 Building Permit Application.

An application for a building or conditional use permit shall be made through the use of forms developed or designated by the Tribal Council. The applicant shall submit a building or conditional use permit application and any studies, reports, or other reasonable information requested by the Tribal Council or its designee.

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Every application shall contain, at a minimum, the following information:

1. The name and title of the applicant;
2. The location of the proposed activity;
3. A concise and factual description of the proposed activity including:
 - A. Any proposed physical construction;
 - B. Any use of natural resources; and
 - C. Any potential impacts to the environment, whether adverse or beneficial.
4. A detailed site plan;
5. A period of time for which the permit is requested;
6. A reference to the Tribal zoning laws governing the proposed land use activity or project;
7. A complete set of detailed plans and specifications, including but not limited to, any proposed structures showing compliance with building, fire, and safety codes; and
8. In the case of a phased land use activity or project, the applicant shall submit a complete set of detailed plans and specifications for that portion of the land use activity or project.

315.215 Building Permit Application Fees.

Upon the submission of the permit application, the applicant shall pay a permit application fee according to the following schedule:

1. A building permit application fee of \$10 per \$1,000 of the total cost of the residential land use activity or project; and
2. A building permit fee of \$10 per \$1,000 of the total cost of the commercial/governmental community land use activities or projects.
3. Inspection fees will be actual cost passed through from the inspection firm to the applicant.
4. Entities of the Coquille Indian Tribe carrying out such activities for governmental or public purposes shall be exempt from payment of the permit application fee, but not the inspection cost.

315.217 Building Permit Application Review – Residential Building Permits.

1. The Permit Administrator shall review the Residential Building Permit application and determine whether the permit application is complete. If a permit application is complete, the Permit Administrator shall then conduct an administrative review of the application, including site review, plan review, environmental review and cultural review.
2. The Permit Administrator shall determine whether the application complies with Tribal Ordinances and all applicable Tribal land use and zoning laws.

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3. The Permit Administrator shall issue or deny a permit within two weeks of receiving a complete application.
4. An applicant may appeal a denial of the permit to the Tribal Court per the procedures set out in section 315.723 of this Ordinance. If the Permit Administrator fails to issue or deny a permit by the end of the two week period described above, it shall be treated as a denial for purposes of appeal.

315.218 Building Permit Application Review – Non-Residential Building Permits.

1. For all other building permit applications that are for uses other than residential use, the Permit Administrator shall follow the procedures set out in CITC 315.218 to 315.223.
2. The Permit Administrator shall first review the permit application and determine whether the permit application is complete. If a permit application is complete, the Permit Administrator shall then direct the appropriate Tribal programs to review the application and establish a time period for the submission of written findings to the Permit Administrator. The Permit Administrator may request review of permit applications by Tribal offices, agencies or programs whose laws are enforced under this Ordinance.
3. Within one (1) week of receiving the application, the Permit Administrator may request the applicant to submit additional information, studies, or reports to assist in the review of the permit application. The additional information must be relevant to the purposes and policies of this Ordinance. If the additional information is requested, the Permit Administrator shall notify the applicant of the requested information and shall set a reasonable time period for the submission of the information.
4. Within one week of receiving the application or additionally requested information, the Permit Administrator shall submit written findings to the applicant regarding the permit application. If additional review time is requested, the Permit Administrator may grant one extension of time not to exceed two weeks. The written findings shall address whether or not the activity or project proposed by the application complies with Tribal policies and the Tribal land use regulations. The written findings shall provide specific recommendations indicating how the proposed land use activity or project should be tailored to ensure such compliance.
5. The Permit Administrator shall provide the written findings to the applicant within one week of receipt thereof.

315.220 Building Permit Application Review Meeting– Non-Residential Building Permits.

1. The Permit Administrator shall schedule regular permit application review meetings as needed, to review the written findings with the applicant and the Tribal programs. The

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Permit Administrator shall notify the applicant and the appropriate Tribal programs of the meeting scheduled for the permit application review.

2. At the permit application review meeting, the Permit Administrator may determine, based on the written findings and discussion with the Tribal programs, that the permit application requires either no and/or minor changes; or significant material changes.
3. If the applicant agrees with the written findings or recommended changes, the applicant shall incorporate such changes into his/her application and the application shall be scheduled for final review by the Permit Administrator.
4. If the applicant does not agree with the recommended changes, the applicant will have an opportunity to review the written findings and recommendations with the Permit Administrator at the next scheduled review meeting following the permit application review meeting. The applicant shall provide a narrative detailing why the applicant does not agree with the requirements prior to the meeting.

315.223 Decision Meeting– Non-Residential Building Permits.

1. The Tribal Council or its designee shall reach a decision to approve or deny a permit, render a written decision, and notify the parties within thirty (30) days of the initial review meeting at which the application was scheduled for review. The Tribal Council's decision may specify terms and conditions to be included in the permit. At the applicant's request, the Tribal Council may grant one extension of time, up to thirty (30) days, to render the Council's decision.
2. If the permit application is denied or not approved within the time frame set out above through a decision of the Tribal Council or its designee, the applicant may either submit a new application or appeal the Tribal Council's decision pursuant to CITC 315.723.

315.225 Bonding Requirement.

The Permit Administrator may require the posting of a performance bond, in an amount and of duration satisfactory to assure and guarantee the completing of site improvements including, but not limited to, grading, regrading, drainage, pollution prevention, site remediation, environmental controls, erosion control, lighting, screening, planting, building or safety improvements, and other reasonable conditions indicated on a site plan which will assure compliance with this Ordinance, or applicable Tribal laws.

1. A performance or payment bond shall be delivered to the Coquille Indian Tribe in one of the following forms: a certified check drawn from a bank fully insured by the FDIC; a pledge of a bank book, fully insured by an agency of the United States government, with irrevocable power of attorney and acknowledged by the bank in which the funds are deposited; or a corporate surety bond issued by a surety company on the U.S. Department

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of Treasury approved surety list. The bond shall insure the completion of required improvements and utilities in the event the applicant shall fail to install site improvements within five (5) years from the date of the bond. The term of the performance bond may be extended by the Permit Administrator upon approval of a petition from the applicant to the Permit Administrator and subject to agreement of such extension by the surety company. Tribal entities carrying out construction activities for governmental or public purposes may be exempted from the bonding requirement, so long as the contractors carrying out the work carry a performance and payment bond in a sufficient amount.

2. The applicant may apply to the Permit Administrator for a reduction in bond when fifty percent (50%) of the cost of required improvements for the project have been completed and may apply to the Permit Administrator for further reduction in the bond when seventy-five percent (75%) of the cost of required improvements for the project have been completed. Requests for such reduction shall be made in writing to the Permit Administrator with a fully executed copy of the bond form attached thereto.
3. Prior to the release of the performance bond, the applicant shall present a maintenance bond equal to at least ten percent (10%) of the initial performance bond. Such bond shall be for a period of (one) year and shall guarantee the improvements installed.

315.227 Building Permit Terms and Conditions.

Upon approving a permit application, the Permit Administrator may include terms and conditions that are reasonably necessary and appropriate for ensuring compliance with Tribal ordinances and Tribal land use and zoning laws.

315.230 Building Permit Modifications.

1. If significant and material changes have occurred since the approval of the permit, the permittee shall file a permit modification application describing the changes, the proposed modifications to the permit, and any necessary information regarding the implementation of such changes.
2. The permit modification application shall demonstrate that the proposed changes comply with the Tribal ordinances and Tribal land use and zoning laws.
3. The Permit Administrator shall review the permit modification application with the permittee and inspect the project. The Tribal Council or its designee, based on the Permit Administrator's recommendations, may either approve the application and modify the permit or deny the application.
4. If the permit modification application is denied, the existing permit shall remain in full force, and effect and the permittee may request a hearing with the Tribal Council to

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review the Permit Administrator's decision. If the Tribal Council denies or refuses to act on the appeal, the permittee may appeal to the Tribal Court pursuant to the procedures set out in CITC 315.723.

315.233 Building Permit Duration and Extension.

1. All permits shall be effective for a specified period of time appropriate to the project but in no event shall the period exceed two years. If a permittee requires an extension of time in order to complete any activity under an approved permit, the permittee shall file an extension request no later than forty-five (45) days prior to the expiration of the permittee's existing permit.
2. The Permit Administrator shall review the permit extension request with the permittee and inspect the project. The Permit Administrator shall either approve the extension under such terms and conditions as the Permit Administrator deems necessary or appropriate or request that the permittee obtain a permit modification.

CERTIFICATE OF OCCUPANCY OR COMPLETION

315.235 Certificate Required.

No land use activity or building project shall be occupied, used, or operated, in whole or in part, until a Certificate of Occupancy or Completion (hereafter "CO") has been issued by the Permit Administrator stating that the land use activity or project complies with all building, fire, and safety codes, and the terms and conditions of the permit.

315.237 CO Application.

1. Upon the completion of the land use activity or project, the permittee shall apply for a CO. Within one week of receiving the CO application, the Permit Administrator shall review the CO application and inspect the project.
2. Within one week of reviewing the CO application, the Permit Administrator may either approve the CO application, and thereupon issue a CO, or notify the permittee in writing of the measures required to attain compliance with the terms and conditions of the permit.
3. Upon completion of the required compliance measures, the permittee shall submit a revised CO application demonstrating evidence of compliance.
4. The Permit Administrator may, at his/her discretion, issue a temporary or a partial CO if the land use activity or project is substantially complete and the completed portion of the land use activity or project has satisfied the required compliance measures. The temporary CO shall specify the time-frame within which the remaining required compliance measures shall be completed. The partial CO shall specify the portion of the

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structure that may be occupied or used. Failure to complete the required compliance measures within the established time-frame may result in enforcement action.

5. If the permittee fails or refuses to comply with the terms and conditions of the permit, or if the activity or project fails to comply with Tribal ordinances or Tribal land use laws, the Permit Administrator shall not issue a CO and the land use activity or project shall not be occupied, used, or operated in any way. The Permit Administrator shall set forth his/her reasons for such denial in a detailed written decision, and shall send a copy of his/her decision to the permittee.
6. The permittee may appeal the Permit Administrator's decision by sending a written response to the Permit Administrator within thirty days of denial. If the Permit Administrator does not change his or her decision, the permittee may appeal to the Tribal Court pursuant to the procedures set out in CITC 315.723

RESIDENTIAL ZONE R-1

315.250 Uses permitted outright.

In R-1 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.
 - a. Dwellings 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.
 - b. Dwellings 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 Coquille Indian Tribe.
 - c. Dwellings 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 predominant construction of immediately surrounding dwellings.
3. Parks and open spaces which are designated as such.
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.

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- 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 Coquille Indian Tribe.
- 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 Oregon State code.
- 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 predominant 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 Coquille Indian Tribal Code.

315.255 Conditional uses permitted.

In R-1 zones, the following uses and their accessory uses are permitted when authorized through a conditional use permit:

1. Church.
2. Governmental structure or use including a playground, recreation building, fire station, library, or museum.
3. Multifamily dwellings.
4. School: nursery, day care, primary, elementary, junior high, or senior high.
5. Utility substation or pumping station, not including outside storage.

315.260 Lot size.

In zone R-1, minimum lot size shall be as follows:

1. Lot area in an R-1 zone shall be at least 6,000 square feet per dwelling unit.
2. Lot width at the front building line shall be at least 60 feet where it is obtainable.
Exceptions to this rule are lots developed on a cul-de-sac or driveway access rounds.

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315.265 Yards.

R-1 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.
4. Front yard maximum height will be 4'. Back and side yard fence maximum height will be 6'.

315.270 Height of buildings.

In R-1 zones, no buildings shall exceed a height of two and one-half stories or 35 feet, whichever is lower.

315.275 Lot coverage.

In R-1 zones, buildings shall not occupy more than 35 percent of the lot area.

RESIDENTIAL ZONE R-2

315.280 Uses permitted outright.

In an R-2 zone, the following uses and their accessory uses are permitted outright:

1. A use permitted outright in an R-1 zone.
2. A Two-Family Dwelling, which shall be treated as a single dwelling for the purposes of CITC 315.290.

315.285 Conditional uses permitted.

In an R-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with:

A use permitted as a conditional use in an R-1 zone.

315.290 Lot size.

In an R-2 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.

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2. Lot width at the front building line shall be at least 60 feet where it is obtainable. Exceptions to this rule are lots developed on a cul-de-sac or driveway access rounds.

315.295 Yards.

R-2 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.
4. Front yard maximum height will be 4'. Back and side yard fence maximum height will be 6'.

315.300 Height of buildings.

In an R-2 zone, no building shall exceed a height of two and one-half stories or 35 feet, whichever is lower.

315.305 Lot coverage.

In an R-2 zone, buildings shall not occupy more than 35 percent of the lot area.

RESIDENTIAL ZONE R-M

315.310 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-2 zone.
2. Multifamily dwellings.
3. Site improvements including buildings and other facilities that directly provide Tribal member services.

315.315 Conditional uses permitted.

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

1. A use permitted as a conditional use in an R-2 zone.
2. Manufactured Home Park containing no more than fourteen (14) units.

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315.320 Lot size.

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

1. Lot area shall be at least 6,000 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 60 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.
4. 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.

315.325 Yards.

1. 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.
2. No side yard setback shall be required for a row house except where it is adjacent to a street (at least 10 feet) or adjacent to a lot that is not part of the row house development (at least five feet).
3. Front yard maximum height will be 4'. Back and side yard fence maximum height will be 6'.

315.330 Height of buildings.

In an R-M zone, no building shall exceed a height of two and one-half stories or 35 feet, whichever is lower.

315.335 Lot coverage.

In an R-M zone, buildings shall not occupy more than 45 percent of the lot area.

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GENERAL COMMERCIAL ZONE G-C

315.340 Uses permitted outright.

Uses permitted outright in the G-C 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.

315.345 Conditional uses permitted.

In a G-C zone, the following uses and their accessory uses are permitted when authorized:

1. Improvements to a pre-existing, nonconforming use.
2. Manufacturing, fabricating or processing of materials or substances for retail sale.
3. Utility substations or pumping stations.

315.350 Limitations on use.

In a G-C 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. In granting any approval under this subsection, Tribal Council or their designee may impose conditions and restrictions for 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.

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315.355 Yards.

In a G-C 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.

315.357 Height of Buildings.

In a G-C zone, no building shall exceed a height of two and one-half stories or 35 feet, whichever is lower.

315.360 Lot coverage.

In a G-C zone, buildings shall not occupy more than 75 percent of the lot area.

LIGHT INDUSTRIAL ZONE L-I

315.365 Uses permitted outright.

In a L-I zone, subject to the limitations provided herein, uses permitted outright include wholesale supply, utility operations and facilities, warehousing, compounding, packaging, processing, repairing, fabricating, marshaling, 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.

315.370 Conditional uses permitted.

In an L-I zone, the following uses and their accessory uses are permitted when authorized.

1. Governmental structure or use.
2. A use permitted outright in the G-C 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.

315.375 Yards.

In an L-I zone, on the side or rear of a lot abutting a residential zone, a yard shall be at least 20 feet.

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315.380 Height of buildings.

In an L-I 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.

FOREST ZONE F

315.385 Purpose.

The purpose of the Forest Zone is to limit development and preserve the Coquille Tribe's Forest lands to the management of natural forest growth and harvest. The zone is to conserve forest lands by maintaining the forest land base and to protect the forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use of forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

315.390 Prohibited Uses.

Subdivisions, Single Family, Multi-family Residences, planned developments, general commercial, and light industrial uses are not consistent with the purpose and intent of this zone and are prohibited.

315.395 Allowed Uses.

The F zone places primary emphasis on forest use but compatible uses are also allowed with a conditional use permit. These include uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment. Also included are locationally dependent uses such as communication towers, and mineral and aggregate resources.

OPEN SPACE ZONE O-S

315.400 Purpose.

The purpose of the Open Space Zone is to establish uses for land that are regarded as unbuildable, tidelands, and lands that is being held or used for recreation, conservation or open space purposes. Land use permitted in this zone include aquaculture, hunting areas, camping and picnicking, hiking, and recreational trail systems.

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315.403 Prohibited Uses.

Subdivisions, Single Family, Multi-family Residences and planned developments as well as those uses authorized for G-C and L-I zones are not consistent with the purpose and intent of this zone and are prohibited.

AGRICULTURAL ZONE A

315.405 Purpose.

The Agricultural (A) Zone is applied in areas characterized by small farm operations or areas with a mixture of good and poor farm soils where the existing land use pattern is a mixture of large and small farm units. The farm operations range widely in size and could include grazing of livestock, orchards, grains and grasses, decorative trees and specialty crops.

315.410 Prohibited Uses.

Subdivision and planned developments as well as those uses authorized for G-C and L-I zones are not consistent with the purpose of this zone and are prohibited.

315.415 Allowed Uses.

Within an A Zone no building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

1. Farm crop production.
2. The propagation or harvesting of a forest product.
3. Buildings, other than dwellings, customarily provided in conjunction with farm use.
4. Operations for the exploration for minerals

PARKING

315.450 Minimum off-street parking space requirements.

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

1. Single family dwellings must have a minimum of two parking spaces.
2. Multiple family dwellings must have a minimum of three parking spaces for each two units.
3. Projects in the G-C and L-I zones must provide for an appropriate amount of off-street parking relative to the size of the proposed operation. The amount of off-street parking needed and to be made available shall be described and documented in the application for a building or conditional use permit for development in such zones.

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

315.455 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 turn-around 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, 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. 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.

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- 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.

EXCEPTIONS

315.500 General provisions regarding accessory uses.

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

1. Fences, hedges and walls located within front yards shall not exceed a height of 3 ½ 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.

315.505 Projections from buildings.

Cornices, eaves, 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. Awnings, canopies, and sunshades, may project out not more than 12 feet into the required yard.

315.510 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 in this Ordinance shall be reduced in area, dimension, or size below the minimum required by this Ordinance, nor shall any lot area, yard, or other open space or off-street parking or loading area which is required by this Ordinance for one use be used as

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the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

315.515 Exceptions to yard requirements.

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

315.520 Access.

All lots shall abut a street other than an alley for a width of at least 25 feet.

315.525 Vision clearance areas.

Vision clearance areas shall be established at intersections. The distance determining the size of a vision clearance area shall be 30 feet.

SIGNS

315.530 General provisions.

1. General Location of Signs. No sign allowed by this Ordinance shall be placed so that it is supported within a public right-of-way, unless this Ordinance 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. Signs will be reviewed and permitted through the building permits process before the installation of all signs.

315.535 Signs in Zones R-1 and R-2.

This section shall apply to all residential zones R-1 and R-2.

1. 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. Signs must be set back at least 15 feet from the edge of the curb line or the edge of the improved street travel surface. Signs shall not exceed three and one-half feet above ground level. Planned unit developments, other housing complexes, and

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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.

- B. 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. Signs must be set back at least 15 feet from the edge of the curb line or the edge of the improved street travel surface. Signs shall not exceed three and one-half feet above ground level if located within 20 feet of the applicable “edge.”
- C. Signs for commercial and civic uses shall be allowed through an administrative conditional use permit process. Signs are not to exceed 15 square feet of area on one side. Signs shall not be within a public right-of-way. Permits may be issued to the sign contractor, to the owner or operator of the business or to the leaseholder of the property.
- D. 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.
- 2. Installation and Maintenance. The installation of all signs shall comply with all required safety rules and regulations. No sign shall be erected, relocated, or maintained that prevents free ingress to or egress from any door, window, or fire escape required by the Coquille Indian Tribal Code. All signs shall be maintained in a safe, complete, and neat condition.
- 3. Applicability of Ordinance. Murals shall not be considered signs as long as they contain no advertising.

315.540 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 Tribal Council or their designee subject to the following requirements:
 - A. Color. The sign must have a blue background with white lettering.

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- 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 certificate of occupancy or completion (whichever is applicable) 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 if 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 (L-I and G-C), freestanding signs, including sandwich boards, that comply with the sign regulations set out in this Ordinance 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.

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12. Attraction devices. Devices, designs, or symbols which may consist of windsocks, posters, pennants, flags, ribbons, streamers, or other similar non-automated, non-electronic, or non-illuminated 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 Tribal 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.

315.545 Prohibited signs.

1. Obscene or indecent signs. Any visual representation or verbal description of sexual conduct, sexual excitement, sadomasochistic abuse, or excretory functions or products.
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 Executive Director of the Tribe 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 leaseholder. If said sign is not removed, altered or repaired to comply with the standards herein set forth within 30 days after such notice, the Tribal Council or its designee, may cause said sign to be removed or altered to comply at the expense of the sign owner or property leaseholder of the property on which it is located. The Tribal Council or its designee 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 leaseholder.

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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.

VARIANCES

315.600 Authorization to grant or deny variances.

The Tribal Council or its designee may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance 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 Tribal Council or its designee 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 Ordinance.

315.605 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 leaseholders 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 Ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any Tribal development plan or policy.
4. The variance requested is the minimum variance which will alleviate the hardship.

315.610 Variance procedure.

The procedures to be followed in applying for and acting on a variance shall be substantially the same as those provided in CITC 315.705 for the case of a conditional use.

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NON-CONFORMING USES

315.650 Continuation of nonconforming use or structure.

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 Ordinance is adopted shall not be considered an extension of a nonconforming use.

315.655 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 Ordinance.

315.660 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.

315.665 Termination of certain nonconforming uses.

A nonconforming use not involving a structure or one involving a structure having a replacement value of less than \$200.00 shall be discontinued within two years from the date this Ordinance is adopted.

315.670 Change of a nonconforming use.

If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance and shall not subsequently be replaced by a nonconforming use.

315.675 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, a future structure or use shall conform to this Ordinance.

315.680 Completion of structure.

1. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued

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and construction work has commenced prior to the adoption of this Ordinance, 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. Whenever a use has become nonconforming through the adoption of this Ordinance, then the Tribal Council may permit as a conditional use the alteration or extension of such use.

315.685 Temporary nonconforming uses.

Permits for temporary nonconforming uses of property may be granted by the Tribal Council or their designee under the following procedures, terms, conditions and limitations:

1. No temporary nonconforming use shall be permitted for a period in excess of 120 days.
2. 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.
3. Temporary use permits shall be made subject to such conditions and limitations as will protect public health and safety.

CONDITIONAL USES

315.690 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 up 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 Tribe 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. Schools.

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- 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.
5. 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.
6. Utility Substation or Pumping Substation. In the case of a utility substation or pumping sub-station, the Tribe may waive the minimum lot size requirement only if it is determined that the waiver will not have a detrimental effect on adjacent property.
7. Rowhouses. Provision shall be made for rowhouses to have adequate access to rear yard areas.

315.700 Authorization to grant or deny conditional uses.

Uses designated in this Ordinance as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the Tribal Council in accordance with the standards and procedures set forth in this Ordinance. 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;
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 Ordinance and which is classified in this Ordinance 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.

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315.705 Application for a conditional use. A leaseholder or his authorized agent may initiate a request for a conditional use or the modification of an existing conditional use by filing an application, with the \$250 application fee, with the Tribe 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 leaseholders within 100 feet. The Permit Administrator 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 hearing.

315.710 Hearing on conditional use.

A public hearing will be held before the Tribal Council on any conditional use permit applications. The Tribal Council will determine whether or not the application should be approved. The hearing will be held subject to CIRC 315.720.

315.715 Notices.

At least 30 days' notice of a hearing shall be mailed to the applicant, any Coquille Tribal entities with landholdings or activities located within one mile, and the leaseholders of property located within 1000 feet of the property which is the subject of the notice. The notice shall include the following:

1. Explain the nature of the application and the proposed use or uses which could be authorized;
2. List the applicable criteria from the Ordinance and plan that apply to the application;
3. Set forth the street address or other easily understood geographical reference to the property;
4. State the date, time and location of the hearing;
5. State that a failure to raise an issue at the hearing in person or by letter or to provide sufficient specific documentation to afford an opportunity to respond to an issue precludes appeal on that issue;
6. Include the name of the Tribal representative to contact and the telephone number where additional information may be obtained;
7. 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; and,
8. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

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315.720 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 limitation 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 leaseholder or any other party to receive notice as provided in this Ordinance shall not invalidate the proceedings.
6. For the purposes of this Section:
 - 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.

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APPEALS TO THE TRIBAL COURT

315.723 Appeals.

Decisions of the Tribal Council or its designee regarding proposed activities under this Ordinance are appealable to the Tribal Court.

1. All appeals shall be filed with the Tribal Court within 10 days of the date that notice of the decision is mailed to the parties of record, or within 10 days of the date that the decision would have been deemed denied pursuant to the relevant sections of this Ordinance. Any appeal filed outside of this deadline shall be dismissed with prejudice.
2. Appeals must be submitted on appeal forms provided by the Tribe and clearly identify the issues of appeal, the party status of the appellant, the applicable review criteria and include the appropriate appeal fee.
3. Failure to raise an issue either orally or in writing at a public hearing concerning the matter precludes appeal based on that issue.
4. Upon receipt of the notice of appeal, the Tribal Court shall schedule a hearing on the appeal to be conducted within thirty (30) days of receipt of the notice of appeal. Written notice of the time, date and place of the hearing shall be delivered to the appellant no later than five (5) days before the scheduled date of the hearing.
5. The appellant and the Tribal Council or its designee may be represented by legal counsel at the hearing on the appeal at their own expense.
6. The Tribal Court's review of the decision shall be confined to the record developed by the before the Tribal Council or its designee unless good cause is shown to examine additional evidence.
7. The Tribal Court shall affirm the decision of the Tribal Council or its designee unless it finds, by clear and convincing evidence, that the decision is
 - A. unsupported by evidence;
 - B. arbitrary, capricious, or an abuse of discretion; or
 - C. contrary to law.
8. The Tribal Court shall issue its decision no later than fourteen (14) days following the hearing on the appeal. The decision of the Tribal Court shall be final and conclusive, and no appeal to a higher court shall be allowed.
9. The civil procedure rules of the Tribal Court shall apply to all appeal proceedings under this Ordinance, to the extent consistent with this Ordinance. Where there is a conflict, the provisions of this Ordinance shall apply.

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315.725 Finality of Decisions.

Discretionary land use decisions of the Tribal Council shall be effective and final when they are reduced to writing and mailed to the applicant and other parties to the proceeding.

315.800 Civil Penalties.

Violation of, or failure to comply with, any provision of this Ordinance is punishable by a civil fine not to exceed \$750.00 per day.

315.850 Conflicting laws.

Where a conflict between this Ordinance and any other laws applicable to the same area exists, the more stringent limitation or requirement shall govern and prevail.

315.870 Severability.

If a court of competent jurisdiction finds any provision of this Ordinance to be invalid or illegal under applicable law, such provision shall be severed from this ordinance and the remainder of this Ordinance shall remain in full force and effect.

315.900 Sovereign Immunity.

Nothing in this Ordinance waives the sovereign immunity of the Coquille Indian Tribe, its entities, its subsidiaries, or any of its officers, employees, board members, representatives or agents.

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History of Amendments to Ordinance 315 Zoning Ordinance:

Approved Resolution CY1283, September 22, 2012

Adopted Resolution CY12111, November 17, 2012

Approved Resolution CY19051, May 9, 2019

Adopted Resolution CY19074, July 11, 2019