

**Blue = New Language based on 8/9/17 Planning Commission discussion**

*Green = Comments*

### **Section 3.115 Commercial Zone C-1 - Design Guidelines**

**The provisions of this Section 3.115 shall be applicable to Section 3.110 Retail Commercial Zone C-1. The provisions of this Section 3.115 shall override any conflicts between provisions of Section 3.115 and 3.110.**

**Any structure lawfully permitted which is made nonconforming by adoption or amendment of this chapter is a nonconforming structure. Existing structure non-conformities may continue indefinitely (grandfathered). Normal maintenance and repairs are permitted that do not result in the alteration of the footprint, volume, or height of the structure.**

Sections:

1. Building Setbacks
2. Lot Coverage
3. Building Orientation
4. Building Height
5. Architectural Guidelines and Standards
6. Pedestrian Amenities
7. Special Standards for Certain Uses
8. Parking Requirements

#### 1. Building Setbacks

In the C-1 Zone, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable ~~downtown~~ **commercial districts**.

The setback standards apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance in accordance with Article 8. Variances.

##### A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required.
2. Maximum Setback. The maximum allowable front yard setback is 20 feet. This standard is met when a minimum of 75 percent of the front building elevation (façade) is placed no more than 20 feet back from the front property line. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park,

outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards and Architectural Standards in this Section).

- B. Rear Yard Setbacks. There is no minimum rear yard setback.
- C. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the clear vision standards in Section 4.010 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

## 2. Lot Coverage

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

A minimum 75% of the lot width shall have building frontage within the required setback. This requirement contributes to the walkable, storefront character and reduces space between buildings.

## 3. Building Orientation

This section is intended to promote the walkable, storefront character of Depoe Bay's C-1 Zone by orienting (placing or locating) buildings close to streets. Placing buildings close to the street not only slows vehicular traffic, but also provides more "eyes on the street", increasing the safety of public spaces. The standards, as listed below, compliment the front yard setback standards in Section 3.115.1.

Building Orientation Standard. All development shall be oriented to a street, i.e. arterial if the property has frontage on an arterial. The building orientation standard is met when all of the following criteria are met:

- A. The minimum and maximum setback standards in Section 3.115.1 are met;
- B. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.
- C. New land divisions and developments may be configured to provide a driveway or interior parking court. If parking courts are created, then pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street. On corner lots, buildings shall be oriented to the street corner. Parking, driveways

and other vehicle facilities shall be prohibited between buildings and street corners.

#### 4. Building Height

All buildings in the C-1 Zone shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings incorporating a storefront character:

Maximum Height. Buildings shall not exceed a height of 35 feet. The maximum building height may be increased by ~~40~~ **5** feet when a residential housing **dwelling** is provided above the ground floor ("vertical mixed use"). ~~The building height increase for housing shall apply only to that portion of the building that contains residential housing.~~ **To minimize the height appearance of the structure and maintain a portion of existing clear views to the ocean, the additional height shall be a peaked pitched roof (hip or gable) with a minimum pitch of 6 in 12. If required because of structure size, a flat topped pitched roof may be used with a minimum pitch of 6 in 12 and a maximum pitch of 14 in 12, that stills provides the appearance of a peaked pitched roof.**

**Building height shall be measured at the front of the building from the lowest point from the adjacent sidewalk, or the existing paved street elevation where a sidewalk doesn't currently exist. For corner lots and through lots the front shall be along the major street.**

#### 5. Architectural Guidelines and Standards

- A. Purpose and Applicability. **Depoe Bay is known for the natural beauty of its surroundings. The perceived character of Depoe Bay is an important economic asset to the property owners, businesses and residents of the area.** These architectural standards and design features are intended to encourage innovative design and be of human-scale while affording flexibility to use a variety of building styles and materials complementary to and with materials used in existing ~~downtown~~ **commercial district** buildings. This section applies to all building types ~~as listed in Section 3.115.3.~~
- B. Building Elevation Design Standards. All buildings shall contribute to the storefront character and visual relatedness of Depoe Bay's C-1 Zone buildings. This criterion may be met by providing architectural features as listed in items 1-4 below, in the front or "main street" façade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or façade as well. Buildings on through-lots (lots that face a street along the front and rear of the property) shall treat the secondary street façade in a manner similar to that as the main street façade is treated. Additionally, if the architectural character along the secondary street is other than commercial, that façade should be compatible with the architectural character of that neighborhood as much as possible while maintaining the architectural integrity of the main building.

1. Building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other design aspects or features to reduce the angular appearance of the building at the street corner.
2. Fenestration and decoration. Appropriately spaced and/or shaped windows with window hoods, cornices and/or canopies or special trim at all windows on all building stories.
3. Display windows. Large display windows shall be provided on the ground-floor ~~should~~ **and shall** be set off by extended mullions, applied columns, or a storefront cornice to separate the ground floor from upper stories. Display windows are not for residential use.
4. Decoration. Decorative cornices and/or fascias on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure such as projected roof trusses or decorative roof overhangs.

*Comment: It has been brought to the attention of the Planning Commission many times that the city should have suggested architectural design characteristics that give some constancy in the appearance of the town while still allowing some uniqueness. This would increase the overall appearance of the city, causing more tourists to stop, and increasing the overall livability of the city for the residents.*

**C. Design Features.** In addition, design features representing the “beach’ or “cape cod” architectural styles are **highly recommended** including;

1. Cedar shake shingle appearance for the roof and siding,
2. A steeply pitched roof with gable ends,
3. Multiple dormers,
4. Shutters by windows,
5. Window boxes,
6. Pilasters surrounding doors,
7. Bright white trim

**D. Trash Containers.** Other than receptacles for the public use, trash containers (including recyclables and garbage) shall not be located along Hwy 101 and shall be obscured by a fence or similar, or otherwise hidden from view.

6. Pedestrian Amenities

- A. Purpose and Applicability. This section is intended to complement the building orientation standards in ~~Section 3.115.3~~ by providing comfortable and inviting pedestrian spaces within the C-1 Zone. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the C-1 Zone, and contribute to a walkable district. This section applies to all building types as ~~listed in Section 3.115.3~~.

Pedestrian sidewalks shall be provided on all street sides of buildings, parking areas, etc. in the C-1 zoned area. These sidewalks shall be a minimum of 8 feet along Highway 101, and 5 feet elsewhere. **Sidewalks shall be concrete and shall have a stamped textured surface of a flagstone pattern. For safety, this texture shall be of light to moderate depth. All sidewalks shall be ADA compliant to meet current laws. In the case of repair of sidewalks or in-fill of sidewalks, they may be paved with a city-approved surface material that is consistent with adjacent and nearby sidewalks and shall be updated to be ADA compliant.**

- B. Guidelines and Standards. Every development shall provide one or more of the "pedestrian amenities" listed in subsections 1-3 below. Pedestrian amenities may be provided within a public right-of-way when approved by the agency having jurisdiction over the right-of-way.
1. A plaza, courtyard, square or recessed area next to the building;
  2. Sitting space (i.e., dining area, benches or ledges between the building and sidewalk (minimum of 16 inches in height and 30 inches in width));
  3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).

#### 7. Special Standards for Certain Uses

This section supplements the standards **identified above** ~~contained in~~ Sections 3.115.1 through 3.115.6 **by** providing standards for the following land uses in order to control the scale and compatibility of those uses within the C-1 Zone:

- \* Residential Uses
- \* Accessory Uses and Structures
- \* Automobile-Oriented Uses and Facilities
- \* Outdoor Storage and Display
- \* Light Manufacture

- A. Residential Uses. Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in items 1-6, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential

uses which existed prior to the effective date of this code are exempt from this Section.

1. **Mixed Use Development Required.** Residential uses shall be permitted only when part of a mixed-use development (residential with commercial or public/institutional use). Both "vertical" mixed use (housing above the ground floor), and "horizontal" mixed use (housing on the ground floor) developments are allowed, subject to the standards in items 2-6 below.
  2. **Limitation on street-level housing.** Residential uses are not permitted at street-level on arterials (Hwy. 101). This standard is intended to reserve storefront space for commercial uses and public/institutional uses. It does not limit residential uses above the street level on upper stories, or behind street-level storefronts.
  3. **Density.** There is no residential density standard.
  4. **Parking, Garages, and Driveways.** All off-street vehicle parking, including surface lots, garages, and parking structures, shall be oriented to alleys, or in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front façade by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e. away from Hwy 101) when access cannot be provided from an alley.
  - ~~5. **Creation of Alleys.** When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site.~~
  5. **Common Areas.** All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity **the property owner**. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.
- B. **Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the C-1 Zone may include small workshops, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the C-1 Zone. Accessory structures shall comply with the following standards:

1. Primary use required. An accessory structure shall not be allowed before or without a primary use.
  2. Setback standards. Accessory structures shall comply with the setback standards in Section 3.115.1, except that the maximum setback provisions shall not apply.
  3. Design guidelines. Accessory structures shall comply with the C-1 Zone design guidelines, as provided in Section 3.115.5.
  4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
  5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
  6. No permanent accessory use structure shall be placed along **viewed from Hwy 101.**
- C. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the C-1 Zone. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.
1. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the city and can consume large amounts of land relative to other permitted uses.
  2. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Hwy 101 when vehicle access cannot be provided from an alley).
- D. Sidewalk Displays. Sidewalk display of merchandise is permitted, however a minimum clearance of 6 feet shall be maintained.
- ~~E. Light Manufacture. Light manufacture uses, i.e. manufacturing of small scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods shall conform to all of the following standards which are intended to protect the pedestrian-friendly, storefront character of the C-1 Zone:~~

1. ~~Retail or Service Use Required.~~ Light manufacture is allowed only when it is in conjunction with a permitted retail or service use.
2. ~~Location.~~ The light manufacture use shall be enclosed within a building.

*This Light Manufacture is deleted because it is previously stated in Section 3.110 Retail Commercial Zone C-1, Subsection 1, item 'k'.*

## 8. Parking Requirements

- A. Parking Requirements: Parking requirements within the C-1 Zone shall conform to Section 4.030 with the following exception:

\* ~~Retail Store:~~ One (1) space for each 200 square feet of floor area.

- B. ~~On Street Parking:~~ On street parking spaces that front the lot and is adjacent (on the same side of the street) may be counted in the required parking.

**B. If an existing building is presently non-conforming in regards to parking (“grandfathered”), increasing the square footage of the building will not require the building owner/developer to fulfill the existing non-conforming portion of the parking space requirement. The owner/developer will be required to fulfill any additional parking requirement relating to the increased square footage. *This will help owners of our older grandfathered buildings add on to their buildings while not increasing the parking problem.***

- C. Parking Restrictions: Between nine a.m. and five p.m. on any day, no individual who works or resides in the C-1 Zone shall park a vehicle on Hwy. 101 while in their place of employment or in their place of residence. Tourist transients are excluded.

- D. General Purpose/Public Parking: Within the C-1 Zone, all parking shall be general-purpose parking/public parking with the exception of the subsection immediately above. Residential and tourist accommodation uses may have designated off-street parking spaces.

- E. Driveways, alleyways, and any other vehicle access shall be at the existing road grade level at the point the driveway meets the public right-of-way. In cases where the current developed road is not the full width of the public right of way, the vehicle access shall be at the elevation the road grade level would be as if the road were expanded to the edge of the public right-of-way.

- F. Regardless of use, all parking lots, parking areas, parking courts, and parking spaces shall be hard-surface paved and striped for individual parking spaces. The parking spaces along the outer boundaries of a lot or parking area shall contain a curb or bumper rail at least four inches high and set back four (4) feet from the front of the space ~~(this space is not included in the measured length of the parking space).~~

- G. The required size of parking spaces, aisles, driveways and similar design

features are set forth in Diagram A of this document. Due to the increased length of vehicles, longer parking spaces are highly recommended. No “compact” sized **spaces are will be** allowed.

- H. Parking areas or parking spaces shall not be placed in front of a building on Hwy 101 (other than the public spaces provided ~~along~~ **within** the public right-of-way). Dedicated parking lots and parking areas are permitted.