

**WALDPOR CITY COUNCIL & PLANNING COMMISSION
DECEMBER 16, 2019
JOINT WORKSHOP NOTICE AND AGENDA**

THE WALDPOR CITY COUNCIL AND PLANNING COMMISSION WILL MEET ON MONDAY, DECEMBER 16, 2019 AT 2:00 P.M. IN THE COUNCIL MEETING ROOM, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. CITIZEN COMMENTS AND CONCERNS
3. WORKSHOP DISCUSSION:
 - A. *Waldport Development Code Amendment - D-D (Downtown District) Draft Amendments*
 - B. *Other Issues**
4. ADJOURNMENT

Notice: Immediately following the Joint Planning Commission/City Council workshop, the City Council and Planning Commission will be joining City employees and volunteers in a Holiday Celebration.

*Denotes no material in packet

The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.

Notice given this 12th day of December, 2019

City of Waldport

December 10, 2019

To: Waldport City Council and Planning Commission

From: Larry Lewis, City Planner

**Re: Waldport Development Code Amendments
Updated Draft Amendment for the DOWNTOWN DISTRICT (D-D)**

The City Council and Planning Commission will hold a joint work session on December 16, 2019 to review proposed amendments to the Downtown District. There are three proposed amendments to be discussed: 1) Standards (4 new proposed standards); 2) Residential-Only Uses and; 3) Parking. Descriptions are provided below. A draft amendment is attached (addressing Standards and Residential-Only Uses) along with a land use map of the Downtown District.

Standards

The Planning Commission has reviewed and recommended that the following standards be added to Waldport Development Code Chapter 16.60. These standards are, for the most part, in the C-1 Retail Commercial zone standards.

- A. All yards abutting a residential zone shall be a minimum of ten (10) feet.
- B. Outdoor storage shall be screened with either a sight-obscuring fence or a buffer strip of vegetation.
- C. In areas where a side or rear yard is not required and a new structure is to be erected, it shall be set back either zero (0) feet or three (3) feet in order to eliminate narrow and unsightly gaps that are difficult to maintain.
- D. A drainage plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

Two additional issues to be discussed include 1) the location of residential-only uses in the Downtown District and, 2) General Purpose/Public Parking. The following text is from a May 2019 memorandum.

Residential-Only Uses

Currently, residential-only uses are prohibited in the Downtown District (D-D). There are existing residential-only uses that are scattered throughout the D-D that are nonconforming uses (grandfathered), e.g. Strawberry Street, east side of Maple Street, Verbena/John/Cedar/Alder Streets.

In the past couple years, there have been properties for sale in the D-D that are located off of Hwy 101 and Hwy 34. The City has received multiple inquiries from potential purchasers wanting to have a residential-only use. An example is 135 Strawberry Street which was a veterinary clinic

on the ground floor and residence on the second level. People have inquired about making that two residential units.

The question is, should the D-D be amended to allow residential-only uses off of Hwy 101 and Hwy 34? Discussion should include, but not be limited to, the following questions:

Can a commercial use be a viable use on all streets in the D-D zone?

Are residential-only uses appropriate in the D-D zone? Should the D-D zone remain focused on commercial uses and mixed commercial/residential uses? Or would residential-only uses off of Hwy 101 and Hwy 34 encourage housing near employment, shopping and services?

General Purpose/Public Parking

Within the D-D zone, all parking is general purpose parking/public parking. The exception to this is no person who works or resides in the D-D zone shall park a vehicle on Hwy 101 or Hwy 34 while in his/her place of employment, or in his/her residence between 9:00 a.m. and 5:00 p.m. on any day.

In the past couple years, several signs have appeared that restrict parking to a specific business, i.e. "Parking for ABC Business".

Since the 2006 establishment of the D-D, the City has not received complaints about signs stating parking is for a specific business only. If the proliferation of these signs continues, and the code remains the same, the City will likely receive complaints at some point in the future.

The question is, should the City enforce this violation or should the code be amended to allow off-street parking with signage for specific businesses only?

Plain Text: Existing language to remain

~~Strike Through Text~~: Text to be deleted

Bold, Underlined, Italicized Text: Text to be added

Chapter 16.30

DOWNTOWN DISTRICT ZONE DD

Sections:

| | |
|-----------|---|
| 16.30.010 | <u>Uses Permitted Outright</u> |
| 16.30.020 | <u>Conditional Uses Permitted</u> |
| 16.30.030 | <u>Building Setbacks</u> |
| 16.30.040 | <u>Lot Coverage</u> |
| 16.30.050 | <u>Building Orientation</u> |
| 16.30.060 | <u>Building Height</u> |
| 16.30.070 | <u>Architectural Guidelines and Standards</u> |
| 16.30.080 | <u>Pedestrian Amenities</u> |
| 16.30.090 | <u>Special Standards for Certain Uses</u> |
| 16.30.100 | <u>Parking Requirements</u> |

16.30.010 Uses Permitted Outright

In a DD zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72 (Supplementary Standards), 16.76 (Signs), 16.80 (Exceptions), 16.84 (Conditional Uses), and 16.96 (Development Guidelines for Natural Hazards) of this title:

- A. Retail store or shop, such as food store, drug store, apparel store, hardware store, furniture store or similar establishment;
- B. Mixed commercial and residential use;
- C. Residential uses in accordance with Section 16.30.090;
- D. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 zone, provided all repair and storage shall occur entirely within an enclosed building;
- E. Personal or business service establishments such as barber or beauty shop, tailor shop, laundry or dry cleaning establishment, or similar establishment;
- F. Clinic;
- G. Club, lodge or fraternal organization;
- H. Financial institution;
- I. Hotel, motel or resort;
- J. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall;
- K. Newspaper office, print shop;
- L. Office;
- M. Private museum, art gallery or similar facility;
- N. Restaurant, bar or tavern;
- O. Laundromat.

16.30.020 Conditional Uses Permitted

In a DD zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72 (Supplementary Standards), 16.76 (Signs), 16.80 (Exceptions), 16.84 (Conditional Uses), and 16.96 (Development Guidelines for Natural Hazards) of this title:

- A. Governmental structure or use of land for necessary public utility facilities;
- B. Parks;
- C. Schools or other instructional institution;
- D. Animal hospital;
- E. Automobile oriented uses and facilities;
- F. Other uses similar to the above, subject to meeting applicable criteria listed in Section 16.72.070 (Authorization of Undefined Uses) of this title.

16.30.030 Building Setbacks

In the Downtown District, 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.

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 Chapter 16.92, 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. In any event, a building must be within the required setback and cover a minimum 75% of lot width. 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 Chapter).

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 Chapter 16.72.010 and the applicable fire and building codes for attached structures, fire walls, and related requirements.**16.30.040 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.

16.30.050 Building Orientation

This section is intended to promote the walkable, storefront character of Downtown Waldport 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 16.30.030.

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 16.30.030 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.

16.30.060 Building Height

All buildings in the Waldport Downtown District 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 10 feet when residential housing 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.

16.30.070 Architectural Guidelines and Standards

- A. Purpose and Applicability. These architectural guidelines and standards 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 buildings. This section applies to all building types as listed in Section 16.30.050.
- B. Building Elevation Design Standards. All buildings shall contribute to the storefront character and visual relatedness of Downtown Waldport 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 on the ground-floor should be setoff 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.

16.30.080 Pedestrian Amenities

- A. Purpose and Applicability. This section is intended to complement the building orientation standards in Section 16.30.050 by providing comfortable and inviting pedestrian spaces within the Waldport Downtown District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the Downtown, and contribute to a walkable district. This section applies to all building types as listed in Section 16.30.050.
- 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).

16.30.085 Standards

A. All yards abutting a residential zone shall be a minimum of ten (10) feet.

B. Outdoor storage shall be screened with either a sight-obscuring fence or a buffer strip of vegetation.

C. In areas where a side or rear yard is not required and a new structure is to be erected, it shall be set back either zero (0) feet or three (3) feet in order to eliminate narrow and unsightly gaps that are difficult to maintain.

D. Drainage: A plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

16.30.090 Special Standards for Certain Uses

This section supplements the standards contained in Sections 16.30.030 through 16.30.070 providing standards for the following land uses in order to control the scale and compatibility of those uses within the Downtown District:

- * 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 **encourage multi-family residential and** mixed use development; conserve the community's supply of commercial land for commercial uses **on arterials**; 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 **on Arterials**. Residential uses **on arterials (Hwy. 34 and Hwy. 101)** 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. 34 and 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 building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e. away from Highway 101 or Highway 34) 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.
 6. 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. 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 Waldport Downtown District may include small workshops, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Waldport Downtown District. 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 16.30.030, except that the maximum setback provisions shall not apply.
 3. Design guidelines. Accessory structures shall comply with the Downtown design guidelines, as provided in Section 16.30.070.
 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.
- C. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Waldport Downtown District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.
1. 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 Highway 101 or Highway 34 when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of 50 parking spaces, or one-half city block, whichever is smaller.

2. 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 district and can consume large amounts of land relative to other permitted uses.
- 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 Downtown Waldport:
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.

16.30.100 Parking Requirements

- A. Parking Requirements: Parking requirements within the Downtown District shall conform to Section 16.72.020 with the following exception:
- * Retail Store: One (1) space for each 500 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.
- C. Parking Restrictions: No person who works or resides in the Downtown District shall park a vehicle on arterials (Hwy. 34 and Hwy. 101) while in his/her place of employment, or in his/her residence between nine a.m. and five p.m. on any day.
- D. General Purpose/Public Parking: Within the Downtown District, all parking shall be general purpose parking/public parking with the exception of Subsection C above. Residential uses may have designated off-street parking spaces. (Ord. 710, 2006)

Downtown District

Existing Land Uses



- SINGLE FAMILY DWELLING
- MULTI-FAMILY DWELLING
- COMMERCIAL
- MIXED USE
- PUBLIC/SEMI-PUBLIC
- VACANT/UNDEVELOPED

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