

**CITY OF COOS BAY  
Agenda Staff Report**

MEETING DATE February 19, 2013	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Jim Hossley, Director of Public Works and Development Department  
Laura Barron, Planning Administrator



**ISSUE      DRAFT TWO-PRONG APPROACH FOR EMPIRE DESIGN STANDARDS**

At the City Council meeting on February 21, 2012, staff was directed to pursue the revision of the design standards for the Empire business district area. In March, 2012 the City hired Mr. John Morgan, The Morgan CPS Group, Inc., Consultants in Community and Organizational Development, to take the draft created by staff and the Design Review Committee and make revisions in order to develop "clear and objective standards" and a "two-prong approach" for the review of applications.

**ANALYSIS**

The design standards are intended to provide a framework to encourage economic development and to regulate how the exterior of buildings are modified in order to make the area more attractive to potential business/developers. The standards must require enhancing existing structures based on their individual time period while new buildings should be designed to be complementary to the neighborhood surroundings.

Clear and Objective Standards – "First Prong"

A core element for facilitating development is a system of clear and objective standards for reviewing any land use application. These standards are answered by "yes" or "no". This is the first prong. Staff can determine whether or not the standards are met, approve the application, and the project can move forward.

Flexibility / Creativity – "Second Prong"

The second prong is intended to provide a discretionary process giving the applicant the flexibility to create alternatives to the specific design standards outlined in prong one.

Under this option, an applicant must demonstrate that the proposed design for the building or remodeling, is consistent with the intent of the standards and conforms where possible with the standards in prong one. For this option the applicant chooses to use a more arbitrary process and must advocate for the design of his project at a public hearing before the Planning Commission.

## **DRAFT STANDARDS**

### **The Morgan CPS Group, Inc.**

Staff received Mr. Morgan's final draft proposal in December, 2012. (Attachment A). Mr. Morgan has used the draft created by staff and the Design Review Committee and developed a two-prong system whereby a project may be approved by staff if the standards are met.

The second prong provides a discretionary process giving the applicant the flexibility to create alternatives to the specific design standards in exchange for a public hearing before the Planning Commission. Many of the standards for prong one are modified from "shall" to "should" for the second prong.

### **Staff Draft**

Attachment B is staff's version of the two-prong approach. The clear and objective standards are derived from Mr. Morgan's draft for the first prong. The second prong requires that the intent of the standards is met, and conforms where possible with the standards. An applicant may propose alternatives to the standards where the applicant has a practical difficulty in meeting the standard, where meeting the standard will result in a change not in keeping with the public interest, or where the applicant wishes to propose an alternative idea for a design approach to the site. Attachment B does not repeat the standards for prong two, it merely refers the applicant back to the standards of prong one.

## **BUDGET**

Mr. Morgan's fees have been paid out of the Public Works and Development Department Planning Division budgetary line item for contracting.

## **COUNCIL ACTION**

Staff is looking for direction from the Council whether or not to pursue the code amendment as created by The Morgan Group, or to pursue the staff version of the code amendment.

## **ATTACHMENTS**

Attachment A – Draft standards by The Morgan CPS Group, Inc.  
Attachment B – Draft standards by staff

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**Chapter 17.240**  
**EMPIRE BUSINESS DISTRICT DESIGN STANDARDS**

Sections:

- 17.240.010 Intent.
- 17.240.020 Definitions.
- 17.240.030 Applicability, Authority and Process, and Exemptions.
- 17.240.040 Option One – Design Review as General Development.
- 17.240.050 Option Two – Design Review as Special Development.
- 17.240.060 Murals.

**17.240.010 Intent.**

The intent of the design standards for the Empire business district is to:

- (1) Encourage economic development;
- (2) Create visual environments of high aesthetic quality and variety, strengthening the small town character of the Empire area;
- (3) Enhance the appearance of the city by promoting orderly and harmonious development, remodeling, and rehabilitation;
- (4) Provide pedestrian oriented site design and human scale building design; and,
- (5) Encourage pedestrian and vehicular connections to the Hollering Place development.

**17.240.020 Definitions.**

For the purposes of this chapter, "development" is defined as:

- (1) Construction of any new structure or an extension or increase in floor area or height of an existing structure; or,
- (2) Change to a structure, such as but not limited to the style, signage, color, window (size/pattern/material), siding or detailing on the exterior of any existing building. Alterations, improvements or repairs to a structure are considered "development" when there is a change in design, material or external appearance.

**17.240.030 Applicability, Authority and Process, and Exemptions.**

(1) Applicability. The design standards apply to development in the district encompassing lots and parcels abutting Newmark Avenue, extending west from the intersection of Ocean Boulevard to Empire Boulevard (Cape Arago Highway).

(2) Authority and Process. A process and standards have been established for the review of development proposals allowing a property owner to gain approval for a project relatively quickly by working within objective standards, or, allow a property owner to propose creative designs outside the standards within a process of public review and approval. Development within the Empire Design District will be reviewed to assure design elements comply with *the intent and standards of this Chapter*. A Variance to the design standards in accordance with Chapter 17.350 is prohibited.

(a) The provisions of this Chapter fall into three categories for processing development and construction applications: Exemptions, Design Review as General Development, and Design Review as Special Development.

(b) In general, if an activity is not eligible for an exemption, an applicant may choose to use either the General Development process which involves administrative review and approval, or the Special Development process which involves Planning Commission review and approval with a public hearing. The General Development process is based on specific standards and



involves no discretionary decisions. If an applicant wishes to propose a design that does not comply with the specific standards and is based on more flexibility and creativity, the Planning Commission reviews it with a public hearing in a discretionary Special Development process.

(c) All applicants are encouraged to participate in a pre-application conference with the staff and Design Review Committee for informal review prior to proceeding with construction drawings or preparing an application.

(d) An Architectural Design Review (Chapter 17.390) shall be filed with attachments along with drawings or photographs illustrating the building's relationship to adjacent built structures.

(e) Murals may be permitted but only with Planning Commission approval as described in Chapter 17.240.050, Option Two – Design Review as Special Development.

(f) Final approval by the City in the form of occupancy or other appropriate permits (final inspection) will not be granted until construction and modifications in accordance with the approved designs are acknowledged by the Public Works and Development Director as being in compliance.

### (3) Exemptions

(a) The provisions of this chapter shall not prevent alteration, restoration, or removal of any building or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.

(b) Ordinary maintenance or repair of the exterior of a structure not involving a change in design, color or external appearance is exempt from design review. New materials, and architectural features such as windows and doors, shall match the original being replaced in terms of color, texture and other important design features.

(c) Repainting or restaining the exterior of a building and small architectural element (wood trim, fascia boards, lintels, doors, gates) with the same existing color is permitted without review.

### **17.240.040 Option One – Design Review as General Development.**

(1) These design standards will be used when an applicant for remodel or new construction within the Empire Design Standard area chooses to comply with the standards of 17.240.040. These standards are intended to be clear and objective such that no discretionary decisions need to be made in the review, just a determination if the standard is met or not. The alternative is Planning Commission review, (17.240.050) which allows flexibility as an applicant may propose alternatives to the standards.

(2) For construction of new buildings, the standards apply to all elements of the development including architecture, landscaping, signage, and parking lots. For the remodel of an existing building or an addition to an existing building, the standards apply to the portion of the remodel or added structure and any associated landscaping, signage, and parking lots. The standards apply to the changes only and do not trigger application of the standards to areas not being changed.

(3) Approval of a general development application will be determined by the Public Works and Development Director, or their designee, based on the standards set forth in 17.240.040. If it is determined an application has characteristics where it cannot be judged in an objective manner in accordance with these standards, then the Public Works and Development Director, or their designee, may choose to have the application processed through the Special Development process (Chapter 17.242.050).

(4) Site planning.

(a) No parking area or driveway shall separate a building from the street frontage. The space between a building and a street frontage can only be used for recessed pedestrian entrances, circulation spaces including but not limited to plazas, outdoor eating spaces, landscaped areas, and widened sidewalks.

(b) Buildings shall face the street or be perpendicular to the street facing an internal parking lot.

(c) The primary pedestrian access to a building shall be located facing the street within 50 feet of edge of curb, or if facing an internal parking lot, located within 50 feet of the edge of curb of the frontage street.

(d) Loading docks and vehicular entrances shall be located to the side and rear of the building.

(e) Ancillary equipment, devices, and building elements including, but not limited to: refuse storage, garbage and recycling bins and dumpsters, fuel storage tanks, generators, fire check valves, service and loading, solar panels, satellite dishes not mounted on the building, and mechanical equipment shall not be located on the side of the building facing the street. Such areas shall be screened from view from the street, parking areas, and adjacent property. Screening materials shall incorporate the primary building materials in the design and shall be painted or stained the same color as the building. Screening shall not incorporate chain link or barbed wire/razor wire.

(f) Building Height. The maximum height for a building sited on the front property line is 25 feet. Additional height may be allowed with a setback from the front property line at a ratio of 2.5:1 to a maximum height of 45 feet. See Figure 17.240.040(1).

(g) Exceptions to the building height limits are allowed for gables, turrets, towers or similar elements used to accent buildings at street corners or alley entrances, and for railings around balcony areas.

(h) Drive up windows and the associated driveways must be accessory to a main use and shall not have direct access from the street.

(i) Outdoor sales and service areas over 200 square feet in size are not permitted except for outdoor restaurant seating, farmers markets, and plant nurseries.

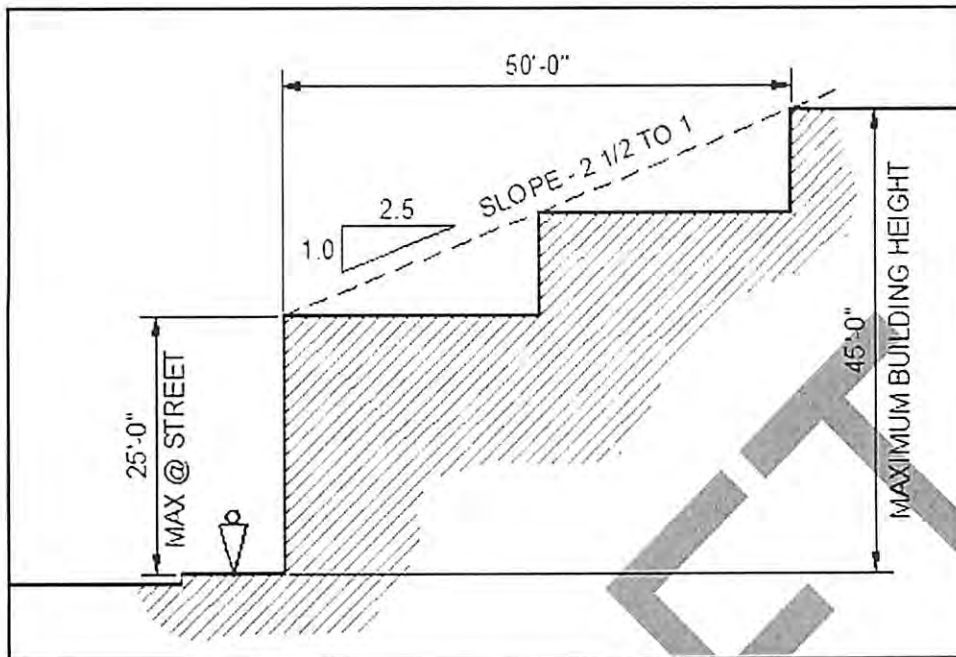


Figure 17.240.040(1)

(5) Landscaping.

(a) Trees and shrubs used shall be selected from varieties compatible with the Southern Oregon Coast climate and which do not have destructive root systems that could damage either buildings or paved surfaces. Refer to the current edition of Sunset Western Garden Book for acceptable plants.

(b) All areas not occupied by buildings or paved areas shall be landscaped. Landscaping shall be designed and installed so that within five years it will obscure the view from the street of any wall segment greater than 10 feet in width and devoid of windows or doors. Obscure means blocking 50% or more of the view of the lower 10 feet of the wall as viewed at 90 degrees from the street.

(c) The landscaped area shall be planted with shrubs and/or ground cover to assure 50% coverage within one year and 90% coverage within five years.

(d) Landscaping must not result in hiding places or entrapment areas or create a danger to pedestrians.

(e) The owner of the property must maintain all landscaping in good condition in perpetuity. Maintenance shall include, but not be limited to irrigating, pruning, trimming, mowing, debris and weed removal, and if necessary replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a violation of the Coos Bay Municipal Code.

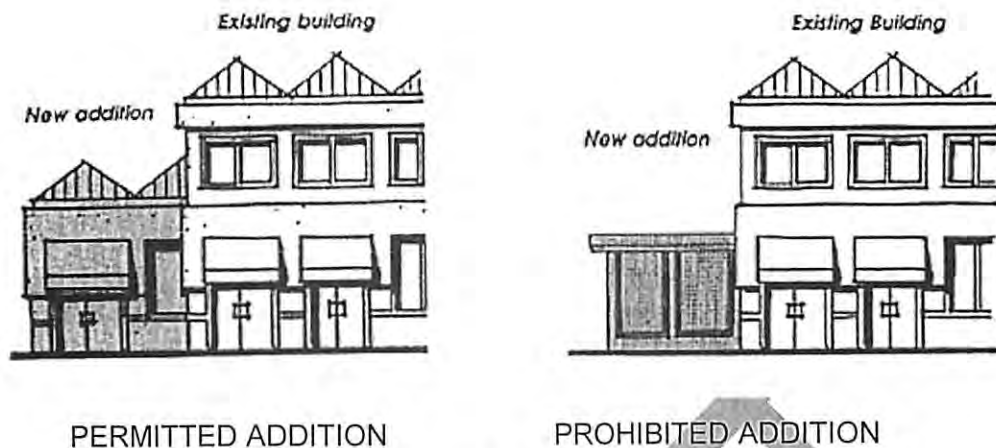


Figure 17.240.040(2)

(6) Architectural form and composition for development. The following standards apply to all new buildings and additions to existing buildings. Additions to existing buildings shall be of the same architectural style and character as the existing building. See Figure 17.240.040(2).

(a) Side and rear building facades must have a level of detail and finish comparable with the front façade.

(b) Blank, windowless walls are not permitted on the front façade of a building. Blank, windowless side and rear façade shall incorporate wall articulation (pilasters, eaves, cornices, frieze lines) compatible with the prominent façade of the building.

(c) Each storefront shall be treated like a small building with its own base, roofline, and door and window pattern.

(d) Display windows shall encompass a minimum of 65 percent of the first floor building façade facing the street.

(e) The base panel (bulkhead) below the display window shall be no more than 36 inches above the exterior walking surface.

(f) A recessed entry, porch or similar architectural feature at the main entrance is required.

(g) Exterior lighting for a new building or building expansion, or lighting changed as part of the remodel of an existing building, shall be designed as part of the overall architectural style of the building. Lighting shall be hooded or otherwise designed to not produce glare or spill onto adjacent properties or streets or into the sky.

(h) New buildings and buildings being remodeled so as to change at least 75% of the façade facing Newmark Avenue must comply with the intent of the design standards by incorporating no less than *five (5)* of the following design elements appropriately scaled for their function and with respect to their surroundings.

(i) Canopy

(ii) Awning (An "awning" is any structure made of canvas or acrylic coated canvas fabric, or fabric, or similar non-corroding material [glass, metal, etc.] with a painted or coated non-corroding frame which is attached to a building and projects over a public walkway. Backlit awnings are prohibited.)

(iii) Eaves

(iv) Cornice

(v) Upper story set back

(vi) Decorative frieze



- (vii) Offsets on the building elevation
- (viii) Bay windows
- (iv) Parapet with decorative cornice
- (x) Bat on board siding
- (xi) Shingles (wood or fiber cement)
- (xii) Horizontal lap siding (wood or fiber cement)
- (xiii) Turret
- (xiv) Tower
- (xv) Pillars
- (xvi) Pilasters
- (xvii) Gable end with raked cornice
- (xviii) Exposed pitched roof
- (xix) Balcony
- (xx) Exterior decorative lighting

(i) The following visible exterior building materials are not permitted:

- (i) Smooth-faced concrete block
- (ii) Smooth-faced tilt-up concrete panels
- (iii) Imitation rock or brick work
- (iv) Unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard)

unless approved by the decision-making body).

(j) All non-masonry or glass surfaces shall be stained in natural wood colors or painted or stained using muted colors from the Benjamin Moore historic range (HC) or equivalent. Building trim and accent areas may utilize black, white, primary, or secondary colors. No more than three colors may be used including the primary color and up to two trim colors. The exception is the main entrance doors for the building, which may be an additional color.

(7) Site details. In order to comply with the intent of the design standards, the sites associated with new buildings, shall include no less than *three* (3) site enhancements from the following list:

- (a) Colored or textured paving materials in walkways, patios, and plazas
- (b) Public art, including sculpture and murals
- (c) Landscaped beds
- (d) Outdoor spaces for public use
- (e) Street furniture in areas adjacent to the public sidewalk
- (f) Courtyards adjacent to the public sidewalk
- (g) Secondary pedestrian access from alleys

(8) Signage. The standards below are in addition to the standards in Chapter 17.230. If the provisions conflict, the stricter shall apply.

(a) The sign size of a sign mounted flush with a building façade shall complement the façade by fitting within wall space between design elements such as windows and columns or fitting within a panel of a canopy or awning.

(b) The sign shall be designed to utilize compatible materials, style, and color as the building upon which it is mounted.

(c) Signs may be illuminated by very low level lighting during evening hours and the lighting shall not spill onto the adjacent property or street. (d) Signs are limited to one on each building face (identify the building name) plus a sign for each business entry (vehicular or pedestrian) plus ancillary directional signs.



(e) Sign types:

(i) A wall sign must not extend across two storefronts or across separate buildings. Wall signage is included in the maximum allowable area for signage.

(ii) Business identification shall include signage at the pedestrian level clearly visible from the adjacent sidewalk. This may include one or more of the following: window or door sign, a projecting sign and/or an awning sign as described below.

(iii) Signs may be hung from or located on the face of any overhang or awning.

(iv) Projecting signs may be hung from the building face below upper floors so as to be visible to pedestrians.

(v) New poles for pole-mounted signage are limited to businesses where other types of signage are not an option. A business may use an existing pole regardless of other signage options.

(vi) Roof signs are prohibited.

(vii) Neon signs no more than two square feet in size and hung within windows are not counted against the allowable sign area and are permitted without review.

(viii) Portable free-standing signs such as, but not limited to, sandwich boards, pedestal sign holders, and other types of portable free-standing signs shall be included as part of the maximum allowable area for signs and are prohibited in the right of way without a right of way use permit.

(ix) Temporary window signs may be allowed on storefronts. The area of the text and graphics shall not cover more than 30 percent of the window area.

(f) Prohibited signs.

(i) Electrical or mechanical signs: No sign shall contain or be illuminated by any flashing, blinking, moving or rotating light

(ii) Internally illuminated signs (neon tubing signs shall not be considered an internally illuminated sign)

(iii) Electric message display signs

(iv) Attraction devices (strings, groupings, or clusters of pennants and pinwheels; balloons, inflatables, etc.)

(v) Billboards

(vi) Readerboards

**17.240.050. Option Two – Design Review as Special Development**

This option is intended to provide a discretionary process giving the applicant the flexibility to create alternatives to the specific design standards outlined in Section 17.240.040 above. In exchange, a public hearing is required before the Planning Commission.

Under this option, an applicant will demonstrate that the proposed design for the building or site improvements, or remodeling, is consistent with the purpose of the Empire Design Standards (17.240.010 Purpose) and conforms where possible with the standards found above. However, an applicant can propose alternatives to the standards for elements of the proposed project where the applicant has a practical difficulty in meeting the standard, where meeting the standard will result in a change not in keeping with the public interest, or where the applicant wishes to propose an alternative idea for a design approach to the site.

The Design Review Committee will make a recommendation to the Planning Commission. The Planning Commission may approve, approve with conditions, or deny an application. Findings will be made relative to the purpose statements and as appropriate to the public interest.

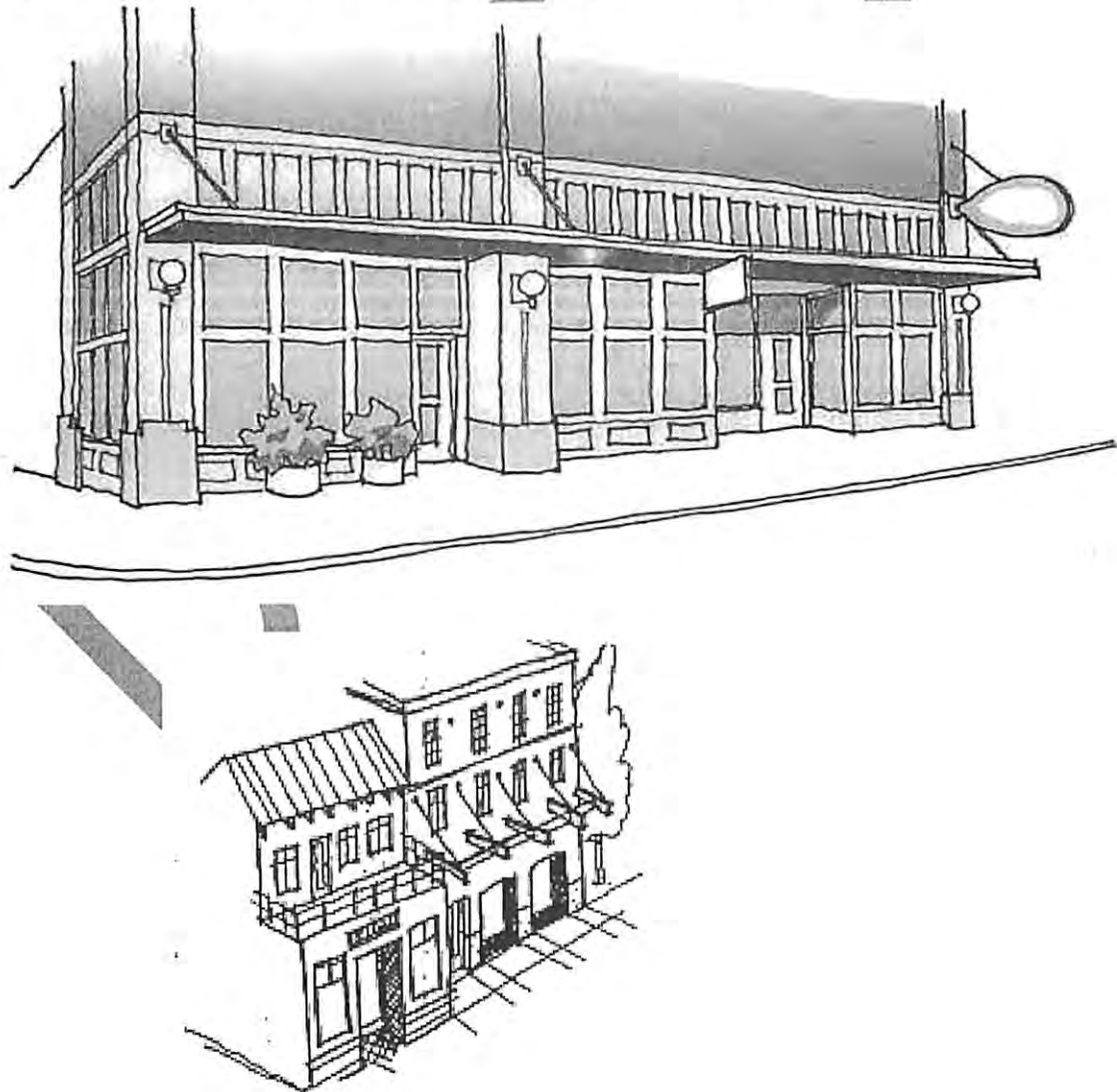
**17.240.060 Murals.**

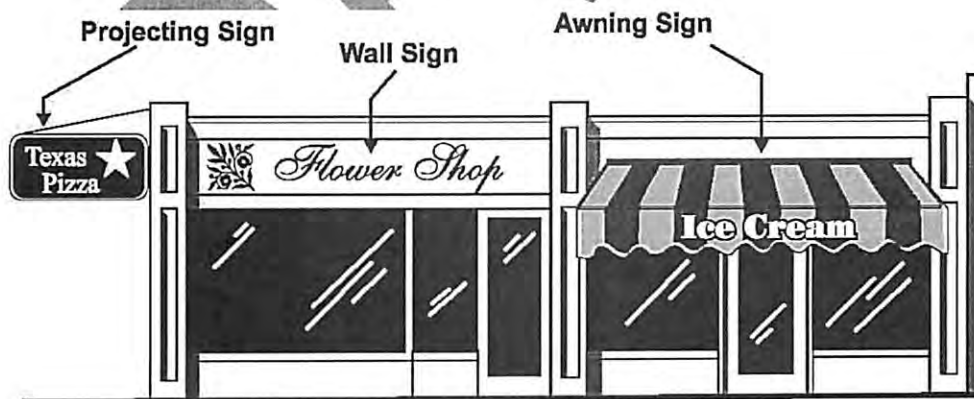
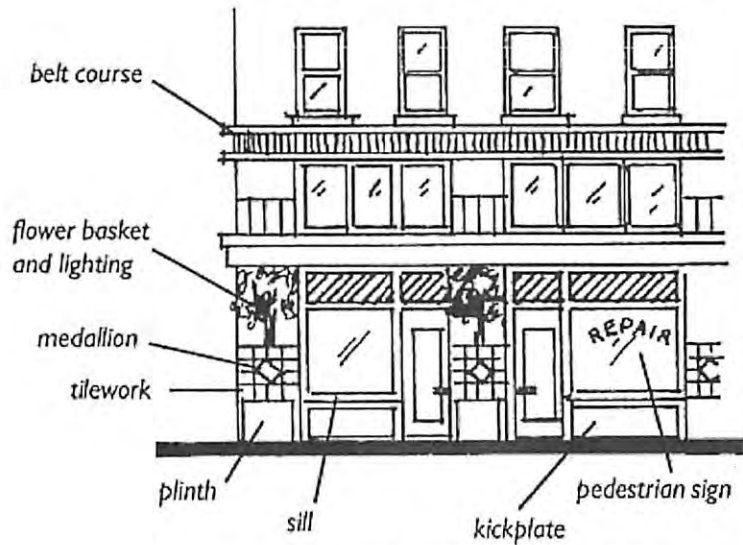
A mural is defined as any pictorial or graphic decoration, other than a sign, which is applied directly to a structure and is neither used for, nor intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business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

For the purposes of this chapter, whether or not a mural will be permitted is based on, but not limited to, the following:

- The subject matter, scale, proportion and composition of the proposed mural;
- The composition and format of the mural must be integrated into the composition and geometry of the surface on which it is located.

An accurate, small-scale replica of the proposed mural must be provided to the reviewing body along with samples of other work completed by the artist. A written plan for the maintenance of the mural, in perpetuity, must be submitted with the application and be signed and agreed to by the owner of the wall/surface where the mural will be located. A preliminary review of the feasibility of the project is suggested.





# Empire Design Standards – Working December Draft

original  
John Morgan  
12/12

## Chapter 17.240 EMPIRE BUSINESS DISTRICT DESIGN STANDARDS

### Sections:

- 17.240.010 Purpose.
- 17.240.020 Definitions
- 17.240.030 Applicability, Authority, Process, and Exemptions
- 17.240.040 Option One – Design Review as General Development
- 17.240.050 Option Two – Design Review as Special Development

### 17.240.010 Purpose

The intent of the design standards for the Empire business area is to:

- (1) Encourage economic development
- (2) Enhance the appearance and, therefore, the livability of the city
- (3) Promote functional, safe, and innovative site development
- (4) Create development patterns consistent with the Goals and Objectives of the Empire District Urban Renewal Plan as amended
- (5) Promote orderly and harmonious development, remodeling, and rehabilitation assuring scale, layout, and design are compatible with the surrounding environment and the character of the surrounding neighborhood. Compatible scale, layout, and design are distinguished by:
  - (a) Creating visual environments of high aesthetic quality and variety strengthening the small town character of the Empire area
  - (b) Encouraging pedestrian and vehicular connections to the Hollering Place development
  - (c) Providing private and common outdoor space
  - (d) Creating safe and convenient vehicular, pedestrian, and bicycle access and circulation
  - (e) Creating attractive and safe parking areas
  - (f) Assuring surface water is well managed
  - (g) Assuring visual quality by the provision of abundant landscaping
  - (h) Considering crime prevention and public safety factors
- (6) Establish process and standards for the review of development proposals allowing a property owner to gain approval for a project relatively quickly by working within objective standards, or allow a property owner to propose creative designs outside the standards within a process of public review and approval.
- (7) Provide the standards to review a proposal.

### 17.240.020 Definitions

For the purposes of this chapter, "development" is defined as:



## **Empire Design Standards – Working December Draft**

- (1) Construction of any new structure or an extension or increase in floor area or height of an existing structure, or
- (2) Change of a structure, such as but not limited to the style, signage, color, window (size/pattern/material), siding or detailing on the exterior of any existing building. Alterations, improvements or repairs to a structure are considered “development” when there is a change in design, material or external appearance.

### **17.240.030(A) Applicability**

- (1) The design standards apply to development in the area encompassing lots and parcels abutting Newmark Avenue, extending west from the intersection of Ocean Boulevard to Empire Boulevard. In addition, the design standards apply to any new structure on a lot contiguous to a lot or parcel in the design area.

### **17.240.030(B) Authority and Process**

- (1) Development within the Empire Design District will be reviewed to assure design elements comply with the purposes and standards of this Chapter.
- (2) For all properties within the Empire Design District, a separate Architectural Design Review process (17.390) is not required.
- (3) The provisions of this Chapter fall into three categories for processing development and construction applications; exemptions, Design Review as General Development, and Design Review as Special Development.
- (4) In general, if an activity is not eligible for an exemption, an applicant may choose to use either the General Development process which involves administrative review and approval, or the Special Development process which involves Planning Commission review and approval with a public hearing. The General Development Process is based on specific standards and involves no discretionary decisions. If an applicant wishes to propose a design that does not comply with the specific standards and is based on more flexibility and creativity, the Planning Commission reviews it with a public hearing in a discretionary Special Development process.
- (5) All applicants are encouraged to participate in a pre-application conference with the staff for informal review prior to proceeding with construction drawings or preparing an application. If a potential applicant makes a request to the Planning Director, a meeting will be scheduled for the applicant to present their proposal to the Design Review Committee prior to making a formal application to the Department. The opinions and ideas expressed in any meeting with the Design Review Committee are not binding on the applicant but may ultimately form the foundation of the Design Review Committee to the Planning Commission if an application is filed in accordance with 17.240.050.
- (6) Applications shall be filed in the same form and with the same attachments as for Architectural Design Review (17.390).
- (7) In addition, the applicant is to provide drawings or photographs illustrating the building's relationship to adjacent built structures.
- (8) Final approval by the City in the form of occupancy or other appropriate permits will not be granted until construction and modifications in accordance with the approved designs are acknowledged by the Public Works and Development Director as being in compliance.

## **Empire Design Standards – Working December Draft**

### **17.240.040(C) Exemption**

- (1) The provisions of this chapter shall not prevent reconstruction, alteration, restoration, demolition or removal of any building or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.
- (2) Ordinary maintenance or repair of the exterior of a structure not involving a change in design or external appearance is exempt from design review. New materials, and architectural features such as windows and doors, shall match the original being replaced in terms of color, texture and other important design features.
- (3) Repainting or restaining the exterior of a building and small architectural elements (wood trim, fascia boards, lintels, doors, gates) with the same existing color is permitted without review.

### **17.240.040 Option One – Design Review as General Development**

- (1) These design standards will be used when an applicant for remodel or new construction within the Empire Design Standard area chooses General Development in accordance with 17.295.020. These standards are intended to be clear and objective such that no discretionary decisions need to be made in the review, just a determination if the standard is met or not. The alternative is the Planning Commission review, (17.242.050) which allows flexibility as an applicant may propose alternatives to the standards.
- (2) A Variance to the design standards in accordance with Chapter 17.350 is prohibited. For construction of new buildings, the standards apply to all elements of the development including architecture, landscaping, signage, and parking lots. For the remodel of an existing building or an addition to an existing building, the standards apply to the portion of the remodel or added structure and any associated landscaping, signage, and parking lots. The standards apply to the changes only and do not trigger application of the standards to areas not being changed in the following situations:
  - (a) For any change in the façade of a building, including surface material and color;
  - (b) For any changes in the landscaping of a site; and,
  - (c) For any changes in the paved areas of the site, including parking, loading, and driveways.
- (3) Approval of a general development application will be determined by the Public Works and Development Director, or their designee, based on the following standards. If the Public Works and Development Director determines an application has characteristics where it cannot be judged in an objective manner in accordance with these standards, then the Public Works and Development Director may choose to have the application processed through the Special Development process (17.242.050) instead.

### **17.240.040(A) Site planning**

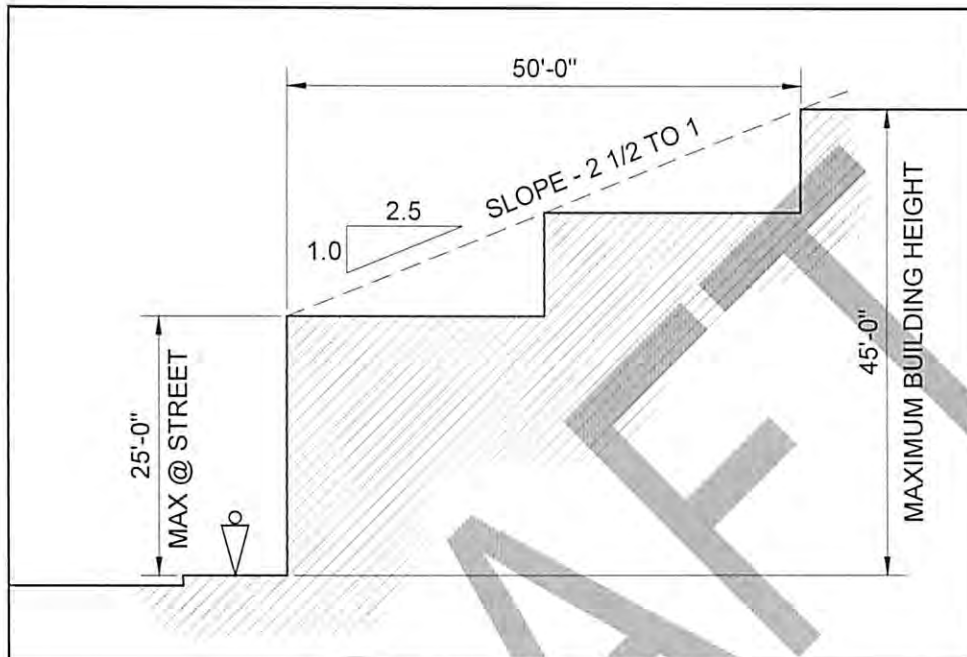
## Empire Design Standards – Working December Draft

- (1) No parking area or driveway shall separate a building from the street frontage. The space between a building and a street frontage can only be used for recessed pedestrian entrances, circulation spaces including but not limited to plazas, outdoor eating spaces, landscaped areas, and widened sidewalks.
- (2) Buildings shall face the street or perpendicular to the street facing an internal parking lot.
- (3) The primary pedestrian access to a building shall be located facing the street within 50 feet of edge of curb, or if facing an internal parking lot, located within 50 feet of the edge of curb of the frontage street.
- (4) Loading docks and vehicular entrances shall be located to the side and rear of the building.
- (5) Ancillary equipment, devices, and building elements including, but not limited to: refuse storage, garbage and recycling bins and dumpsters, fuel storage tanks, generators, fire check valves, service and loading, solar panels, satellite dishes not mounted on the building, and mechanical equipment shall not be located on the side of the building facing the street. Such areas shall be screened from view from the street, parking areas, and adjacent property. Screening materials shall incorporate the primary building materials in the design and shall be painted or stained the same color as the building. Screening shall not incorporate chain link or barbed wire.
- (6) Building Height. The maximum height for a building sited on the front property line is 25 feet.
- (7) Additional height may be allowed with a setback from the front property line at a ratio of 2.5:1 to a maximum height of 45 feet. See Figure 17.240.030.
- (8) Exceptions to the building height limits are allowed for gables, turrets, towers or similar elements used to accent buildings at street corners or alley entrances, and for railings around balcony areas.
- (9) Drive up windows and the associated driveways must be accessory to a main use and shall not be located on the building's street frontage. No driveways area allowed between the building and the street.
- (10) Outdoor sales and service areas over 200 square feet in size are not permitted except for outdoor restaurant seating, farmers markets, and plant nurseries.

### **17.240.040(B) Landscaping.**

## Empire Design Standards – Working December Draft

- (1) Trees and shrubs used shall be selected from varieties compatible with the Southern Oregon Coast climate and which do not have destructive root systems that could damage either buildings or paved surfaces. Refer to the current edition of Sunset Western Garden Book for acceptable plants.



- (2) All areas not occupied by buildings or paved areas shall be landscaped. Landscaping shall be designed and installed so that within five years it will obscure the view from the street of any wall segment greater than 10 feet in width and devoid of windows or doors. Obscure means blocking 50% or more of the view of the lower 10 feet of the wall as viewed at 90 degrees from the street.
- (3) The landscaped area shall be planted with shrubs and/or ground cover to assure 50% coverage within one year and 90% coverage within five years.
- (4) Landscaping must not result in hiding places or entrapment areas or create a danger to pedestrians.
- (5) The owner of the property must maintain all landscaping in good condition in perpetuity. Maintenance shall include, but not be limited to, watering, pruning, trimming, mowing, debris and weed removal, and if necessary replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a violation of the Coos Bay Municipal Code.

### 17.240.040(C) Architectural form and composition for development

- (1) The following standards apply to all new buildings and additions to existing buildings. Additions to existing buildings shall be of the same architectural style and character as the existing building. See Figure 17.240.060(2)



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(a) Figure 17.240.060(1).



- (2) Side and rear building facades must have a level of detail and finish comparable with the front façade.
- (3) Blank, windowless walls are not permitted on the front façade of a building. Blank, windowless side and rear façade shall incorporate wall articulation (pilasters, eaves, cornices, frieze lines) compatible with the prominent façade of the building.
- (4) Each storefront shall be treated like a small building with its own base, roofline, and door and window pattern.
- (5) Display windows shall encompass a minimum of 65 percent of the first floor building façade facing the street.
- (6) The base panel (bulkhead) below the display window shall be no more than 36 inches above the exterior walking surface.
- (7) A recessed entry, porch or similar architectural feature at the main entrance is required.
- (8) Exterior lighting for a new building or building expansion, or lighting changed as part of the remodel of an existing building, shall be designed as part of the overall architectural style of the building. Lighting shall not produce glare or spill onto adjacent properties or streets or into the sky.
- (9) New buildings and buildings being remodeled so as to change at least 75% of the façade facing Empire Boulevard must comply with the intent of the design standards by incorporating no less than five of the following design elements appropriately scaled for their function and with respect to their surroundings.
  - (a) Canopy
  - (b) Awning
  - (c) Eaves

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- (d) Cornice
  - (e) Upper story set back
  - (f) Decorative frieze
  - (g) Offsets on the building elevation
  - (h) Bay windows
  - (i) Parapet with decorative cornice
  - (j) Bat on board siding
  - (k) Shingles (wood or fiber cement)
  - (l) Horizontal lap siding (wood or fiber cement)
  - (m) Turret
  - (n) Tower
  - (o) Pillars
  - (p) Pilasters
  - (q) Gable end with raked cornice
  - (r) Exposed pitched roof
  - (s) Balcony
  - (t) Exterior decorative lighting
- (10) The following visible exterior building materials are *not* permitted:
- (a) Smooth-faced concrete block
  - (b) Smooth-faced tilt-up concrete panels
  - (c) Imitation rock or brick work
  - (d) Unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard) unless approved by the decision-making body.
- (11) All non-masonry or glass surfaces shall be stained in natural wood colors or painted or stained using muted colors from the Benjamin Moore historic range (HC) or equivalent. Building trim and accent areas may utilize black, white, primary, or secondary colors. No more than three colors may be used including the primary color and up to two trim colors. The exception is the main entrance doors for the building, which may be an additional color.

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## 17.240.040(D) Site details

- (1) In order to comply with the intent of the design standards, the sites associated with new buildings, shall include no less than three site enhancements from the following list:
  - (a) Colored or textured paving materials in walkways, patios, and plazas
  - (b) Public art, including sculpture and murals
  - (c) Landscaped beds
  - (d) Outdoor spaces for public use
  - (e) Street furniture in areas adjacent to the public sidewalk
  - (f) Courtyards adjacent to the public sidewalk
  - (g) Secondary pedestrian access from alleys

## 17.240.040(E) Signage

- (1) The standards below are in addition to the standards in Chapter 17.230. If the provisions conflict, the stricter shall apply.
- (2) The sign size of a sign mounted flush with a building façade shall complement the façade by fitting within wall space between design elements such as windows and columns or fitting within a panel of a canopy or awning.
- (3) The sign shall be designed to utilize compatible materials, style, and color as the building upon which it is mounted.
- (4) Signs may be illuminated by very low level lighting during evening hours and the lighting shall not spill onto the adjacent property or street.
- (5) Signs are limited to one on each building face plus ancillary directional signs for vehicular or pedestrian access.
- (6) Sign types:
  - (a) A wall sign must not extend across two storefronts or across separate buildings. Wall signage is included in the maximum allowable area for signage.
  - (b) Business identification shall include signage at the pedestrian level clearly visible from the adjacent sidewalk. This may include one or more of the following: window or door sign, a projecting sign and/or an awning sign as described below.
  - (c) Signs may be hung from or located on the face of any overhang or awning.
  - (d) Projecting signs may be hung from the building face below upper floors so as to be visible to pedestrians.

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- (e) New poles for pole-mounted signage are limited to businesses where other types of signage are not an option. A business may use an existing pole regardless of other signage options.
  - (f) Roof signs are prohibited.
  - (g) Neon signs no more than two square feet in size and hung within windows are not counted against the allowable sign area and are permitted without review.
  - (h) Portable free-standing signs such as, but not limited to, sandwich boards, pedestal sign holders, and other types of portable free-standing signs shall be included as part of the maximum allowable area for signs and are prohibited in the right of way without a right of way use permit.
- (7) Prohibited signs:
- (a) Electrical or mechanical signs: No sign shall contain or be illuminated by any flashing, blinking, moving or rotating light.
  - (b) Internally illuminated signs (neon tubing signs shall not be considered an internally illuminated sign)
  - (c) Electric message display signs
  - (d) Attraction devices (strings, groupings, or clusters of pennants and pinwheels; balloons, inflatables, etc.)
- (8) Murals may be permitted but only with Planning Commission review as described in 17.240.050. Option Two – Design Review as Special Development.

### **17.240.050. Option Two – Design Review as Special Development**

- (1) This option is intended to provide a discretionary process giving the applicant the flexibility to create alternatives to the specific design standards outlined in Section 17.240.040 above. In exchange, a public hearing is required before the Planning Commission.
- (2) Under this option, an applicant will demonstrate that the proposed design for the building or site improvements, or remodeling is consistent with the purpose of the Empire Design Standards (17.240.010 Purpose) and conforms where possible with the standards found above. However, an applicant can propose alternatives to the standards for elements of the proposed project where the applicant has a practical difficulty in meeting the standard, where meeting the standard will result in a change not in keeping with the public interest, or where the applicant wishes to propose an alternative idea for a design approach to the site.
- (3) The Design Review Committee will make a recommendation to the Planning Commission. The Planning Commission may approved, approve with conditions, or disapprove an application. Findings will be made relative to the purpose statements and as appropriate to the public interest.
- (4) A Variance to the design standards in accordance with Chapter 17.350 is prohibited. For construction of new buildings, the standards apply to all elements of the development



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including architecture, landscaping, signage, and parking lots. For the remodel of an existing building or an addition to an existing building, the standards apply to the portion of the remodel or added structure and any associated landscaping, signage, and parking lots. The standards apply to the changes only and do not trigger application of the standards to areas not being changed in the following situations:

- (a) For any change in the façade of a building, including surface material and color;
- (b) For any changes in the landscaping of a site; and,
- (c) For any changes in the paved areas of the site, including parking, loading, and driveways.

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### Site planning

(1) Buildings should be built to the front and side of property lines to form a continuous line of active building fronts along the street avoiding gaps.

#### Exceptions:

- Portions of buildings may be set back to provide recessed pedestrian entrances, circulation spaces including but not limited to plazas, outdoor eating spaces, small landscaped areas.
- Corner setbacks and cut offs at street intersections are encouraged to facilitate pedestrian movement and better visibility for drivers.

(2) Buildings should be sited so that pedestrian entrances and front facades face the public sidewalk or public access.

(3) Loading docks and vehicular entrances shall be located to the side and rear.

(4) The following ancillary utility/equipment, devices and building elements including, but not limited to refuse storage, fuel storage tanks, generators, fire check valves, service and loading, mechanical equipment should be screened and not be located on the public access side of the building. Screening materials should be compatible with the design of the building:

- Incorporate all/or some of the existing building materials in the design.
- Paint or stain the color(s) the same as the building.
- Chain link, barb wire or similar materials are not acceptable.
- Landscaping is encouraged to soften the appearance of the screens.

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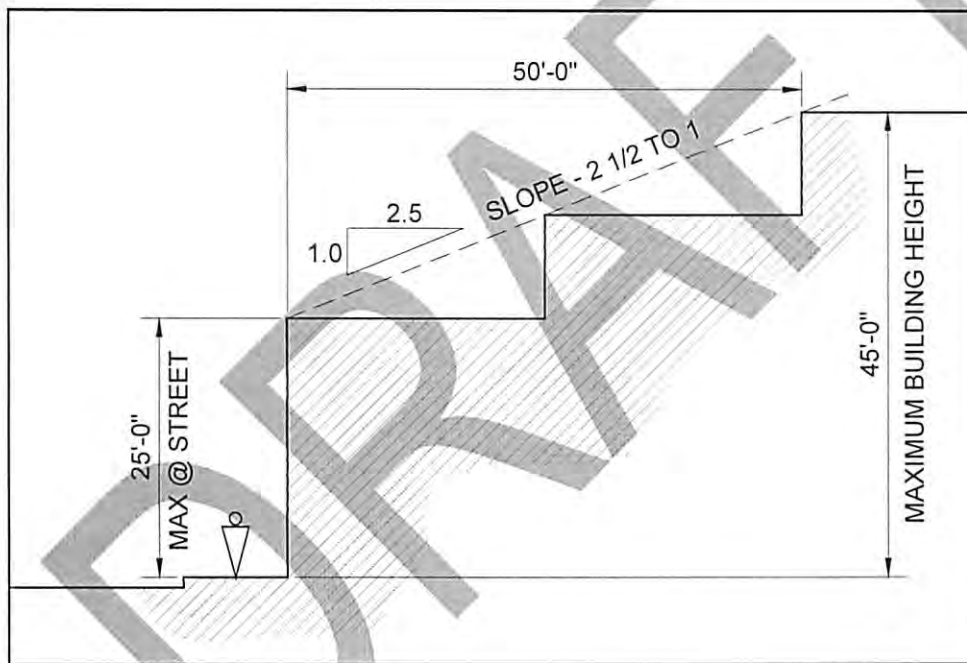
- Screening should not result in hiding places or entrapment areas.
- (5) Solar panels and satellite dishes should be screened from public view.

(6) Where refuse storage areas can be viewed from above (e.g. from a second floor of an apartment in the building or second floor of an adjacent building) an opaque or semi-opaque screen is encouraged to mitigate unsightly views.

(7) Building Height. In order to maintain pedestrian scale, the maximum height for a building sited on the front property line is 25 feet. Additional height may be allowed with a setback from the front property line at a ratio of 2.5:1 to a maximum height of 45 feet. See Figure 17.240.030.

### Exceptions:

- Special architectural features such as gables, turrets, towers or similar elements used to accent buildings at street corners, and/or alley entrances



- Guardrails provided for decks/viewing areas created by using the setbacks
- Where a turret, tower, pediment, cupol

a, cornice, parapet enhances the visibility of a front entrance.

Figure 17.240.030

(9) Site Amenities. The addition of pedestrian amenities (seating, shelters, drinking fountains, lighting, trash receptacles, bicycle racks, *etc.*) is strongly encouraged. Plant material and public art should be incorporated into courtyard, plaza, and mid-block passage design. All amenities must be maintained in good condition.

The relative size, design and placement of private outdoor furniture should be compatible with the architectural style of the building to which it relates.

(10) In order to maintain pedestrian continuity, drive-through/drive-in uses must be accessory to a main use and shall not have direct access from the street.

(11) Outdoor sales and/or service areas over 200 square feet in size are not permitted, except for restaurants, farmers markets and plant nurseries.

### **17.240.040 Landscaping.**

All landscaping plans, including the plan for irrigation, shall be reviewed by the Design Review Committee and included in a recommendation. All landscaping must be maintained in good condition and in perpetuity by the owner of the property. Maintenance shall include, but not be limited to, watering, pruning, trimming, mowing, debris and weed removal, and if necessary replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a violation of the Coos Bay Municipal Code.

(1) Landscaping should be in scale with adjacent buildings and be of appropriate size at maturity. Trees and shrubs used shall be selected from varieties compatible with the Southern Oregon Coast climate and which do not have destructive root systems which could damage either buildings or paved surfaces. Refer to the current edition of Sunset Western Garden Book for acceptable plants.

(2) An applicant is encouraged to soften the transition from the horizontal ground plane to the vertical built surface with either building elements or landscaping.

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(3) The landscaped area shall be planted with shrubs and/or ground cover to assure 50% coverage within 1 year and 90% coverage within 5 years.

(4) Landscaping must not result in hiding places or entrapment areas or create a danger to pedestrians.

### 17.240.050 Reserved.

### 17.240.060 Architectural form and composition for development.

Site and building design shall be complementary to the neighborhood surroundings. Designs shall promote and encourage pedestrian access. See Figure 17.240.060(1)-(3).

- Allow for weather protection and solar access by including recesses, overhangs, and awnings.
- Buildings and additions shall be appropriately scaled with respect to the adjacent structures. See Figure 17.240.060(1).
- Design one story structures or additions with sufficient height to relate to adjacent structures.
- Consider using tall building elements (tower, or turret) to provide visual interest, frame view corridors or relate to larger scaled structures.
- Use the design, proportioning, and disposition of windows and other exterior openings of a building to provide visual interest. Avoid monotonous repetition.
- Relate buildings to the human scale through the use of architectural elements, e.g. cornices, windows, pilasters, awnings, canopies, eaves, incorporating the vertical and horizontal lines, proportion, materials, and surface articulation of adjacent or existing buildings.
- Incorporate upper story set backs to reduce the apparent building mass, preserve street level scale and allow for sun access to adjacent buildings and public spaces.
- Build upon rhythms (patterns) and proportions established by adjacent buildings. See Figure 17.240.060(2).
- Side and rear building facades must have a level of detail and finish compatible with the front façade.
- Blank windowless walls are not permitted on the front façade of a building. If proposed for the side and rear façade, incorporate wall articulation (pilasters, eaves, cornices, frieze lines) compatible with the prominent façade of the building.

Figure 17.240.060(1).



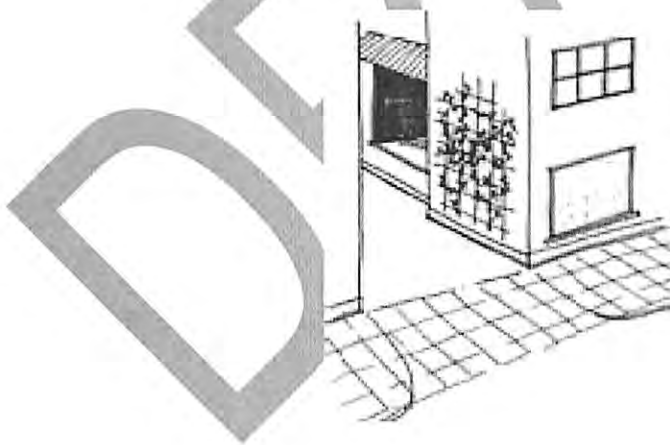


Figure 17.240.060(2)



*Wall sign of consistent size and placement establish facade rhythm.*

Figure 17.240.060(3)



(1) Windows. Each storefront should be treated like a small building with its own base, roofline and door and window pattern. See Figure 17.240.060(2). Important components are:

(a) Display windows should encompass a minimum of 65 percent of the storefront surface area.

(b) The base panel (bulkhead) below the display window shall be no more than 36 inches above the exterior walking surface.

(c) A recessed entry, porch or similar architectural feature at the main entrance is encouraged.

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(2) Awnings. An “awning” is any structure made of canvas or acrylic coated canvas fabric, or similar non-corroding material (glass, metal, etc) with a painted or coated non-corroding frame which is attached to a building and projects over a public walkway. Backlit awnings are prohibited.

(3) Rear Entrances. Providing rear pedestrian entrances via alleys and parking lots is encouraged.

(4) Lighting. Exterior lighting should be designed as part of the overall architectural style of the building and should highlight interesting architectural features. Lighting should not produce glare or spill onto adjacent properties or streets or into the sky.

### 17.240.70 Building details.

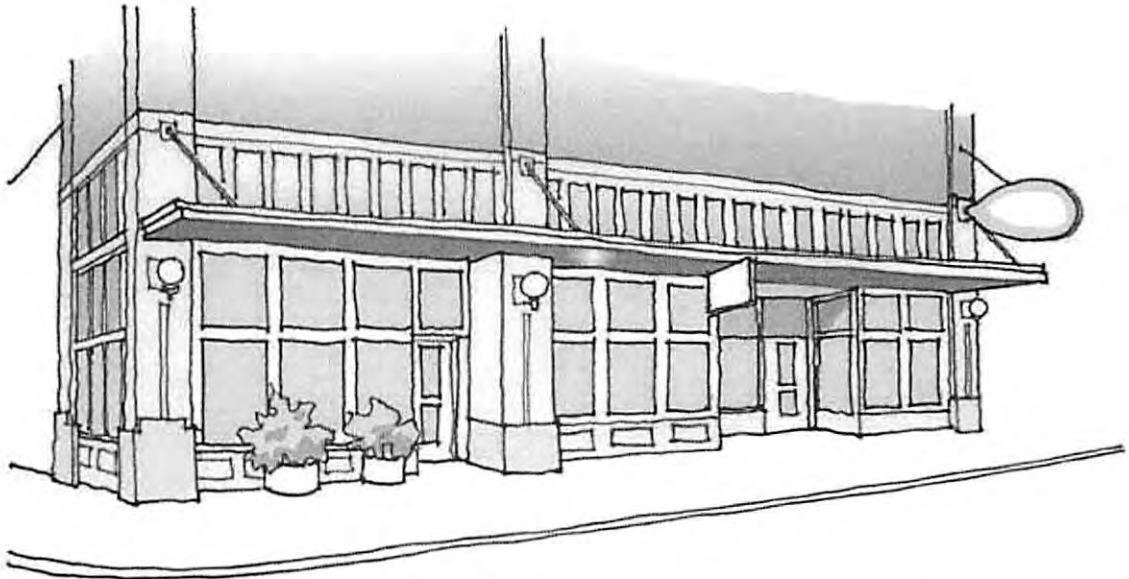
Buildings must comply with the intent of the design standards by incorporating elements that are appropriately scaled for their function and with respect to their surroundings.

Examples of building elements that can assist in the creation of order, harmony, variety and high aesthetic quality include:

- Recessed entrance
- Canopy
- Awning
- Eaves
- Cornice
- Upper story set back
- Decorative frieze
- Offsets on the building elevation
- Bay windows
- Parapet with decorative cornice
- Bat on board siding
- Shingles (wood or fiber cement)
- Horizontal lap siding (wood or fiber cement)
- Turret
- Tower
- Pillars
- Pilasters
- Gable end with raked cornice
- Exposed pitched roof
- Balcony
- Exterior decorative lighting
- New signage
- Repair/restoration of historic architectural features
- Decorative exterior lighting
- Window box planters
- New windows
- New exterior doors

Figure 17.240.070

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The following visible exterior building materials are *not* permitted:

- Smooth-faced concrete block
- Smooth-faced tilt-up concrete panels
- Imitation rock or brick work
- Unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard) unless approved by the decision-making body.

Use muted colors as predominant building colors, e.g., Benjamin Moore historic range (HC). Bright and highly reflective or extremely shiny finishes are discouraged unless used sparingly.

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Finishes with a high surface sheen, which may cause glare at the street level are not allowed. Building trim and accent areas may feature primary or other bright colors.

Painting/staining applied to the exterior of any element, feature, accent of a building and/or accessory enclosure (e.g., screen for mechanical or trash enclosure) involving any change of the existing color must be submitted for review to the Design Review Committee which will make a recommendation to city staff for a ministerial decision.

### 17.240.080 Site details.

In order to comply with the intent of the design standards, new development shall include site enhancements to assist in the creation of order, harmony, variety, and high aesthetic quality.

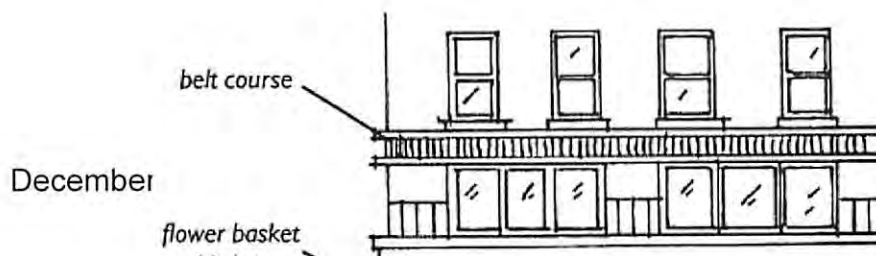
Potential enhancements include, but are not limited to:

- Special paving materials in parking lots
- Public art, including sculpture and murals
- Landscaped beds
- Outdoor spaces for public use
- Street furniture
- Courtyards
- Secondary pedestrian access from alleys
- Decorative exterior lighting
- Bike racks

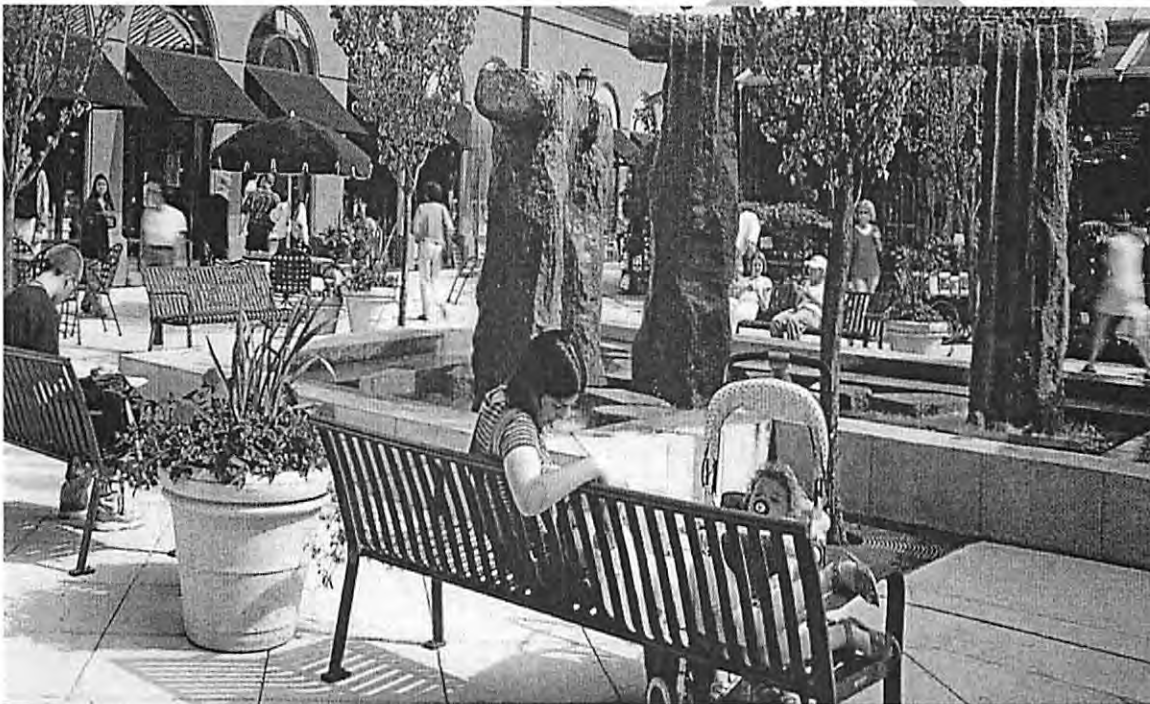
Figure 17.240.080(1)



Figure 17.240.080(2)







**17.240.090 Signage.**

The standards below are in addition to the standards in Chapter 17.230. If the provisions conflict, the stricter shall apply. Signs on the building façade should be clear, informative and made of high quality, durable materials for longevity. Oversized, glaring and excessive signage is prohibited. Signs shall take into account the scale of the building and the viewer, particularly, the pedestrian. All signage, unless specifically stated, is subject to review by CBMC 17.390, Architectural Design Review.

(1) Size, materials, style, position and color shall complement the building façade. Signs may be illuminated by very low level lighting during evening hours and the lighting shall not spill onto the adjacent property or street.

(2) Signs on a business front are limited to a building sign on each building face (identifying the building name) and a sign for each business entry (vehicular or pedestrian).

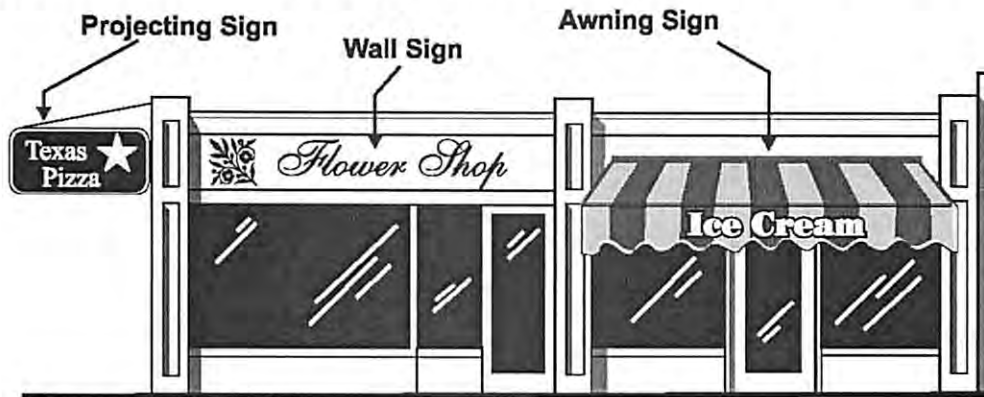
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### (3) Sign types:

(a) A wall/fascia sign must not extend across two storefronts or across separate buildings. Wall signage is included in the maximum allowable area for signage.

(b) Business identification shall include signage at the pedestrian level, clearly visible from the adjacent sidewalk. This may include one or more of the following: window or door sign, a projecting sign and/or an awning sign as described below.

(c) Temporary window signs may be allowed on storefronts. The area of the text and graphics shall not cover more than 30% of the window area.



(d) Awning sign. Advertising material attached to an awning is an awning sign. Signs may be hung from or located on the face of any overhang or awning.

(e) Projecting sign. A projecting sign is defined as a sign where the message area is displayed perpendicular to the building façade. The sign should be hung from the building face below upper floors so as to be visible to pedestrians.

(f) Pole-mounted sign. New poles for pole-mounted signage are limited to businesses where other types of signage are not an option. A business may use an existing pole regardless of other signage options.

(g) Roof sign. A roof sign is any sign that is displayed upon or supported in any way by a roof. These signs are discouraged. Where the design of a building dictates that a roof sign is necessary, the sign must be related to the style and character of the building.

(h) Neon sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current. Signs such as "open" or "closed," which are no more than 2 square feet in size, are permitted without review.

(i) Miscellaneous. In addition to the above sign types, other types of signing may be appropriate if it meets the criteria listed under 17.240.090 and 17.240.090(1).

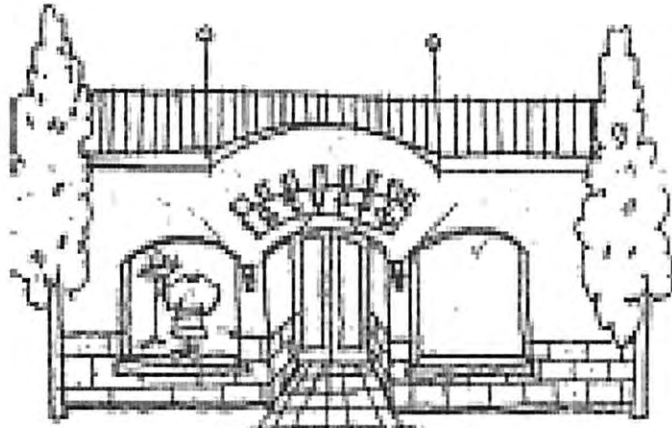
(j) Free-standing signs such as, but not limited to, sandwich boards, pedestal sign holders, and other types of free-standing signs shall be included as part of the maximum allowable area for signs and are prohibited in the right of way without a right of way use permit.

### (4) Prohibited signs:

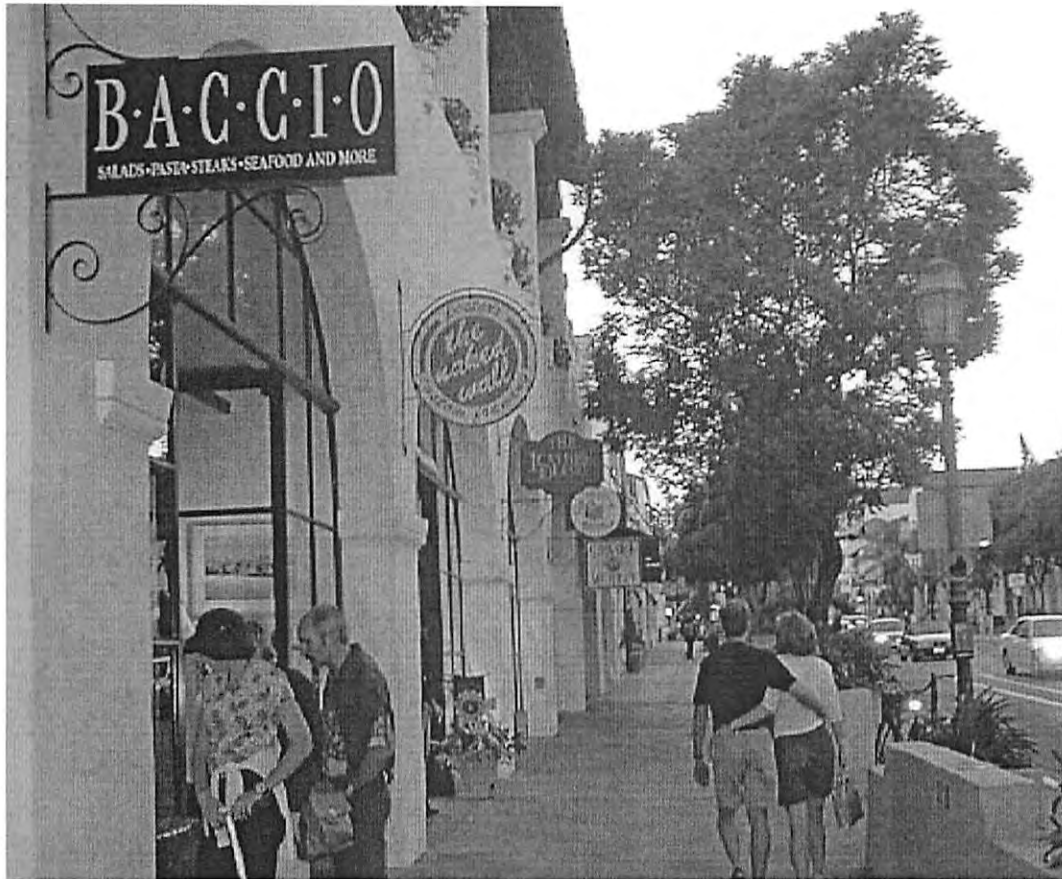
- Electrical or mechanical signs: No sign shall contain or be illuminated by any flashing, blinking, moving or rotating light.
- Billboards
- Internally illuminated signs (neon tubing signs shall not be considered an internally illuminated sign)
- Readerboards
- Electric message display signs

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- Attraction devices (strings, groupings, or clusters of pennants and pinwheels)



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### **17.240.100 Mural.**

A mural is defined as any pictorial or graphic decoration, other than a sign, which is applied directly to a structure and is neither used for, nor 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 current specific products, goods, or services by the use of a brand name, trademark, copyright, or any other device restricted in use without permission of the owner.

For the purposes of this chapter, whether or not a mural will be permitted is based on, but not limited to, the following:

- The subject matter, scale, proportion and composition of the proposed mural;
- The composition and format of the mural must be integrated into the composition and geometry of the surface on which it is located.

An accurate, small-scale replica of the proposed mural must be provided to the reviewing body along with samples of other work completed by the artist. A written plan for the maintenance of the mural, in perpetuity, must be submitted with the application and be signed and agreed to by the owner of the wall/surface where the mural will be located. A preliminary review of the feasibility of the project is suggested.

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Amend 17.390.010(2) to read:

(2) Where architectural design review is required, no building or other general development permit shall be issued until plans are approved pursuant to the architectural design review goals and standards. The acceptability of proposals will be commented on by the historical design review committee (HDRC). The acceptability of proposals within the Empire Design District will be comment upon by the Design Review Committee in accordance with Chapter 17.240.





**Legend**

EMPIRE ARCHITECTURAL  
DESIGN REVIEW AREA

PARCELS

Agenda Item #9