

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b> October 15, 2013	<b>AGENDA ITEM NUMBER</b>
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TO: Mayor Shoji and City Councilors

FROM: Eric Day, Community Development Department  
Through: Rodger Craddock, City Manager *rc*

ISSUE: Empire Design Standards

**BACKGROUND:**

Currently, Coos Bay Municipal Code Chapter 17.240 Empire Waterfront Settlement Design Review sets forth goals and standards to review the exterior of structures and signage along Newmark Ave. and S. Empire Boulevards. The design standards are based on evoking the architectural style of buildings and signage as it may have existed in the late 1800's to early 1900's. The standards have come under some scrutiny as being too difficult to implement and understand.

On September 3, 2013, a revised draft of the Empire Design Standards was presented to the City Council reflecting some proposed changes to an earlier version that was pieced together by staff and a hired a planning consultant (The Morgan CPS Group, Inc.). These proposed changes reflect a revised and updated approach to the current standards. They are more inclusive of a variety of architectural designs and they streamline the land use review. The new standards are intended to provide a framework which encourages increased economic development in the design area, and they seek to regulate the exterior appearance of buildings in the area making them more attractive to potential businesses and developers. The proposed changes also provide applicants the following process options:

Option 1 - Clear and Objective Standards

Option 1 would be to allow applicants to follow a pre-appointed process for design which would allow staff to simply "check the boxes" yes or no, approve the application, and the applicant can move forward.

Option 2 - Flexibility/Creativity

This option is intended to provide a discretionary process giving the applicant the flexibility to create alternatives to the specific design standards.

At the September 3<sup>rd</sup> Council meeting, the Council provided further direction to staff to revise the ordinance with some small edits. Those have been completed and the document has been properly noticed for a public hearing which is the purpose of tonight's meeting. The newly edited document is attached to this staff report.

**BUDGET IMPLICATIONS:**

There are no budget implications associated with this revised design approach for the City. The

applicant may streamline their approval process saving them time and/or money.

**ADVANTAGES:**

Increased flexibility for applicants in choosing a quick staff approved approach or choosing flexibility and going through a pre-application conference and Planning Commission public hearing.

**DISADVANTAGES:**

None

**ACTION REQUESTED:**

After holding a public hearing on this proposal ordinance and if it pleases the Council, please enact the draft Ordinance and repeal Ordinance number 302.

**City of Coos Bay**

**ORDINANCE NO. 302**

**AN ORDINANCE AMENDING ORDINANCE NO. 93, ESTABLISHING LAND DEVELOPMENT STANDARDS FOR THE CITY OF COOS BAY ESTABLISHING ARCHITECTURAL DESIGN REVIEW FOR A PORTION OF THE EMPIRE DISTRICT**

The City of Coos Bay ordains as follows:

**Section 1. Residential Use Type.** Chapter 2.9, General Commercial District (C-2), Section 2(2), is hereby amended as follows:

2. Residential Use Types

Combination of permitted commercial uses with residential uses on the first floor provided that the residential use does not occupy more than 30% of the building coverage. This use is not permitted in the design area designated by Chapter 3.23.

**Section 2. Property Development Requirement.** The following property development requirement is hereby added to Chapter 2.9, General Commercial District (C-2), Section 5:

6. Architectural Design Review: Architectural design review as set forth in Chapter 5.21 may be required for development in the design area defined by Chapter 3.23. Design review approval shall be based on compliance with Chapter 3.23.

**Section 3. Architectural Design Review.** A new Chapter 5.21, Architectural Design Review, is hereby added to ARTICLE 5. ADMINISTRATIVE PROVISIONS:

**CHAPTER 5.21 ARCHITECTURAL DESIGN REVIEW**

**Section 1. GENERAL**

1. The purpose of the Architectural Design Review process is to guide the construction of private and public development to insure that structures, landscaping, and other improvements are consistent with the architectural design review goals and standards specified by the property development standards for the zoning district.

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).

## Section 2. APPLICATION

An applicant for a development permit which is subject to Architectural Design Review shall submit a plan(s) drawn to scale. Staff will determine which of the elements listed below are applicable to the proposed project.

1. A site plan, drawn to scale, with:
  - A. Project name
  - B. Vicinity map
  - C. Scale (1:20' or larger)
  - D. North arrow
  - E. Date
  - F. Street names and locations abutting the development
  - G. Location of all parking areas and spaces, ingress and egress to the site and on-site circulation.
  - H. Zoning designation
  - I. Dimensions of lots, structures and other constructed features
  - J. Location and general use of all improvements
  - K. Location of all free standing signs and light pole standards
  - L. Percentage of lot coverage by structures, paving and walls, and landscaping
2. A landscape plan drawn to scale, with:
  - A. Project name
  - B. Scale (1:20 or larger)
  - C. North arrow
  - D. Date
  - E. Location of all parking areas and spaces, ingress and egress to the site
  - F. General use of all improvements
  - G. Location of all free standing signs and light poles
  - H. Location, size, type and variety of plantings and pertinent features of the landscaping
3. The elevations and locations of:
  - A. All proposed exterior signs

- B. Exterior elevations of each side of all buildings on the site as they will appear after construction. Such plans shall indicate material, texture, shape and other design features of the structure(s), including all mechanical and electrical devices
  - C. Heights of structures above street grade
  - D. Number of stories
  - E. Datum for elevations used (MSL or MLLW)
4. A color-board illustrating the color selection for exterior project materials

**Section 3. NOTICE AND HEARING**

A public hearing is required before approving a plan and shall be conducted in accordance with all provisions of Chapter 5.3.

**Section 4. DECISION**

Taking comments of the Historical Design Review Committee into consideration, the Planning Commission will render a decision on the proposal based on the architectural design review goals and standards specified by the property development requirements of the zoning district, subject to appeal to the City Council.

**Section 5. FINDINGS AND ORDER**

The hearing body shall prepare findings of fact and a written order as set forth in Chapter 5.3.

**Section 6. REAPPLICATION**

There shall be no time restriction on a reapplication for Design Review.

**Section 7. MEASURE 7 RELEASE**

There shall be a rebuttable presumption that the imposition of architectural design review goals and standards under this article do not restrict the use or real property in a manner which has the effect of reducing the value of the property. In any application for a development permit, the owner shall indicate whether the owner intends to rebut the presumption, and seek a release of the restriction. An administrative release may be granted by the Measure 7 Claims Reviewer for the City, if, upon such claims review, it is determined that the imposition of such architectural design review goals and standards has the effect of reducing the value of the property, as that term is defined in the City of Coos Bay Ordinance No. 300.

**Section 4: Special Development Review.** Chapter 5.2, Section 4, Table 10, TYPE OF SPECIAL DEVELOPMENT PERMITS SUBJECT TO PLANNING COMMISSION REVIEW, is hereby amended as follows:

**TABLE 10.  
TYPE OF SPECIAL DEVELOPMENT PERMITS  
SUBJECT TO PLANNING COMMISSION REVIEW**

PERMIT	ORDINANCE CHAPTER
Site Plan and Architectural Review	5.11
Variance	5.12
Conditional Use	5.13
Change in Zone	5.14
Cultural Resources	5.15
Architectural Design Review	5.21

**Section 5: Design Review:** A new Chapter 3.23 “Empire Waterfront Settlement Design Review” is hereby added to ARTICLE 3 GENERAL CONDITIONS:

**CHAPTER 3.23      EMPIRE WATERFRONT SETTLEMENT DESIGN REVIEW**

**Section 1. PURPOSE**

The provisions of this chapter are intended to:

1. Provide a mechanism to promote the educational, cultural, economic, and general welfare of the community.
2. Provide an opportunity to reclaim the waterfront heritage setting and to guide private and public development in a direction that strengthen a relationship with that setting.
3. Guide the construction of private and public development to evoke the

architectural styles which existed in Empire from the mid-to-late 1800s. Common architectural styles of the time period include Cascadian Rustic, Plank Styles, False Front, Salt Box, Queen Anne and Victorian.

## **Section 2. DEFINITIONS AND EXEMPTIONS**

1. The “design area” includes lots or parcels abutting Newmark Avenue or any portion of a structure that is contiguous to a structure located on a lot or parcel abutting Newmark Avenue. The design area extends west along Newmark Avenue from the intersection of Ocean Boulevard to Empire Boulevard. All development must comply with an architectural design review according to Chapter 5.21.
2. For commercial uses and the purposes of this chapter, development is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage color, window (size/pattern/material), siding or detailing on the exterior of any existing building. Alterations to a structure are considered development when there is a change in design, material or external appearance.
3. The provisions of this chapter shall not prevent construction, 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.
4. Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design, or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.

Examples of maintenance include, but are not limited to, the following: a window may be replaced with the same type of glass, framing material and style of window; siding in disrepair may be replaced with siding of the same or similar material.

Exterior alterations which involving replacement with dissimilar materials and/or any new construction, that is not visible from Newmark Avenue, are exempt from design review.

5. The color of paint or stain to be applied to the exterior of the building that is visible from Newmark Avenue, is a ministerial decision to be made by the Community Services Director, or her designee. The proposed colors must be from, or similar to, the Community Services Historical Color Palette, located in the Community Services Department.

In a 12-month period, if less than 10% of the paintable wall area, visible from Newmark, is to be covered with the building's existing paint color or stain, approval of the color is not necessary.

### **Section 3. ARCHITECTURAL DESIGN**

The architectural design review goals and standards are intended to supplement the development standards of the General Commercial (C-2) zoning district. Where the provisions of this section conflict with the provisions of the zoning district, the stricter shall apply.

#### **1. Intent**

The intent of the architectural design review goals and standards is to ensure that proposals for development evoke the appearance of the prevailing architectural styles of buildings as they might have existed if constructed in the Empire area during the mid-to-late 1800s. For the purposes of this Chapter, these styles are referred to as the "designated historic styles." "Historical Buildings of Empire and Front Street," a notebook of photographs from the historical time period, is available for review at the Community Services Department, Planning Division.

#### **2. Architectural Design Review Goals and Standards**

In order to be approved, a design proposal must comply with both the architectural design review goals and standards.

- A. Architectural design review goals are the conceptual framework establishing the underlying objectives to be achieved by development in the design area. Architectural design review standards are the approval criteria developed to implement the architectural design review goals and used to review development.
- B. Architectural design review standards are mandatory approval criteria used in the design review process. A design review application will be approved if the review body finds the applicant has shown the proposal complies with the architectural design review standard, provided, however, one or more of the architectural design review standards may be waived as part of the design review process if the applicant can demonstrate the proposal satisfies the architectural design review goals for the design area.
- C. The factors which will be used in the evaluation process include architectural style of the proposal; compatibility with scenic values and architectural resources in the design area; design quality; structural placement; dimensions;



height; bulk; lot coverage by structures; exterior appearance of the building; open areas; and landscaping.

3. Architectural Design Review Goals

A. Building Design - Massing. Massing is defined as a composition of 2-dimensional shapes or 3-dimensional volumes, which gives the impression of weight, density and bulk. If the following architectural design review goals are met in the architectural design of development acceptable massing may be accomplished:

1. Design should result in buildings with a perceived size that maintains a human scale street that is comfortable for and attractive to pedestrians;
2. Design should result in a quality street environment that is attractive to pedestrians, and development;
3. Buildings of historic significance and merit should be preserved. Maintain or restore as many of the proportions, dimensions and architectural details of historical significance which were original or added to the building during the designated historic period; (The identified historic building in the design area is the house at 476 Newmark Avenue.)
4. New or remodeled structures abutting or directly across from a building that has been identified as historic should be designed so as to preserve, and not detract from, the historic context and merit of the building; and
5. Buildings should have consistent visual identity from all sides visible to the general public from Newmark Avenue.

B. Building Design - Articulation. Articulation is defined as the emphasis given to architectural elements (such as windows, balconies, entries, etc.) that create a complementary pattern or rhythm dividing large buildings into smaller identifiable pieces. If the following design review goals are met in the architectural design of development, acceptable articulation may be accomplished:

1. Doors and window patterns should evoke buildings constructed during the designated historic period; and

2. Finish materials, details and colors should evoke the designated historic styles and period.

C. Signage - Design for signs should emulate signage that existed during the designated historic period.

4. Architectural Design Review Standards

The purpose of the architectural design review standards, along with the notebook, “Historical Buildings of Empire and Front Street,” is to serve as a resource for designing development that will satisfy the architectural design review goals of the architectural design review standards for the design area. Design proposals may be approved if the following architectural design review standards are met in the architectural design of development.

A. Building Design - Massing

1. Use articulation on either new or existing building facades to reduce the bulk of buildings. Methods include, but are not limited to, the following:

a. Modulation;

b. Broken rooflines; or

c. Building elements such as balconies, chimneys, porches or other entry details, and landscaping.

2. Use architectural features such as cornices or other details that lower the apparent height of the building.

3. Place display windows at the street level around the exterior of larger commercial buildings.

The pattern and proportion of windows, doors and other glazed areas is important in determining the building’s architectural character.

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 streamlined process and standards have been established for the review of development proposals allowing a property owner to gain approval for a project by working within objective standards “General Development”, or, allow a property owner to propose creative designs outside the developed standards by utilizing a process of public review and approval “Special Development”. Development within the Empire Design District shall 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 in a public hearing through a discretionary Special Development process.

- (c) 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. This review shall include the applicant's responses to Chapter 17.390 Design Review Criteria.
- (d) Murals may be permitted but only with Planning Commission approval as described in Chapter 17.240.050, Option Two – Design Review as Special Development. 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 re-staining 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 Community 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 Community Development

Director, or their designee, shall 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 shall be reviewed under "Option Two" (17.240.050) of this chapter unless they are accessory to a main use, in which case they would be allowed and reviewed under "Option One" of this chapter.
- (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.

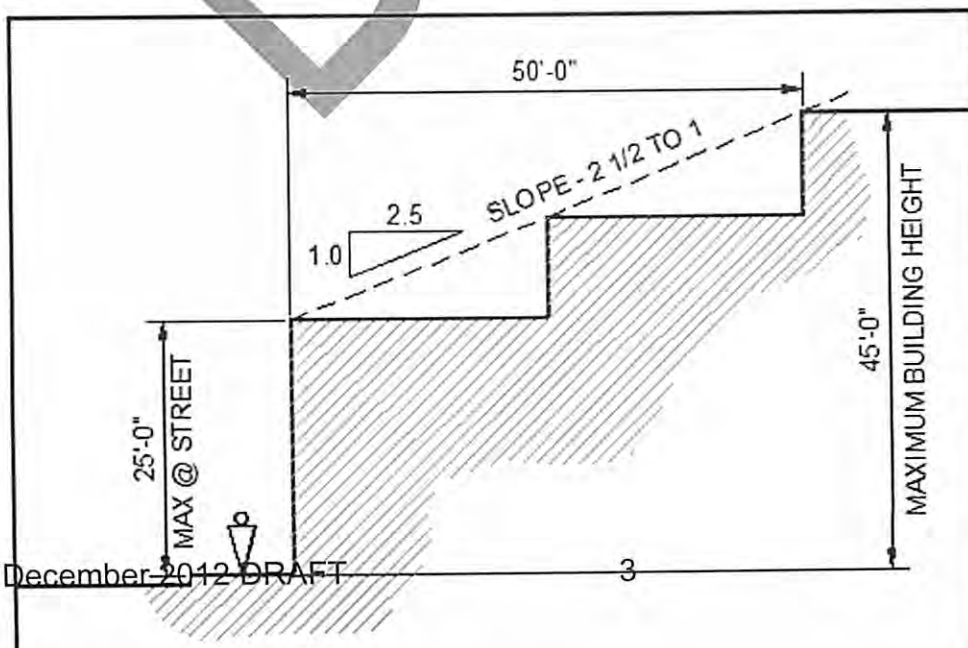


Figure 17.240.040(1)

(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.



(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 50 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 *four (4)* 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
  - (ix) 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) Billboards
- (v) 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. Under this option the applicant will be required to apply for and attend a Pre-Application Conference with City staff and the Design Review Committee. A staff report and recommendation will then be forwarded to the Planning Commission. The Planning Commission may approve, approve with conditions, or deny the application. Findings will be made relative to the purpose statements and as appropriate to the public interest.

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 to 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.

**17.240.060 Murals.**

If an applicant is proposing a new mural the second option (17.240.050) must be used by the applicant.

- a. 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:

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

**ORDINANCE NO. ###**

**AN ORDINANCE REPEALING ORDINANCE NO. 302, ESTABLISHING LAND DEVELOPMENT STANDARDS FOR THE CITY OF COOS BAY ESTABLISHING ARCHITECTURAL DESIGN REVIEW FOR A PORTION OF THE EMPIRE DISTRICT**

The City of Coos Bay ordains as follows:

**Section 1. 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.

**Section 2. 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.

**Section 3. 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 streamlined process and standards have been established for the review of development proposals allowing a property owner to gain approval for a project by working within objective standards “General Development”, or, allow a property owner to propose creative designs outside the developed standards by utilizing a process of public review and approval “Special Development”. Development within the Empire Design District shall 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 in a public hearing through a discretionary Special Development process.
- (c) 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. This review shall include the applicant's responses to Chapter 17.390 Design Review Criteria.
- (d) Murals may be permitted but only with Planning Commission approval as described in Chapter 17.240.050, Option Two – Design Review as Special Development. 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.

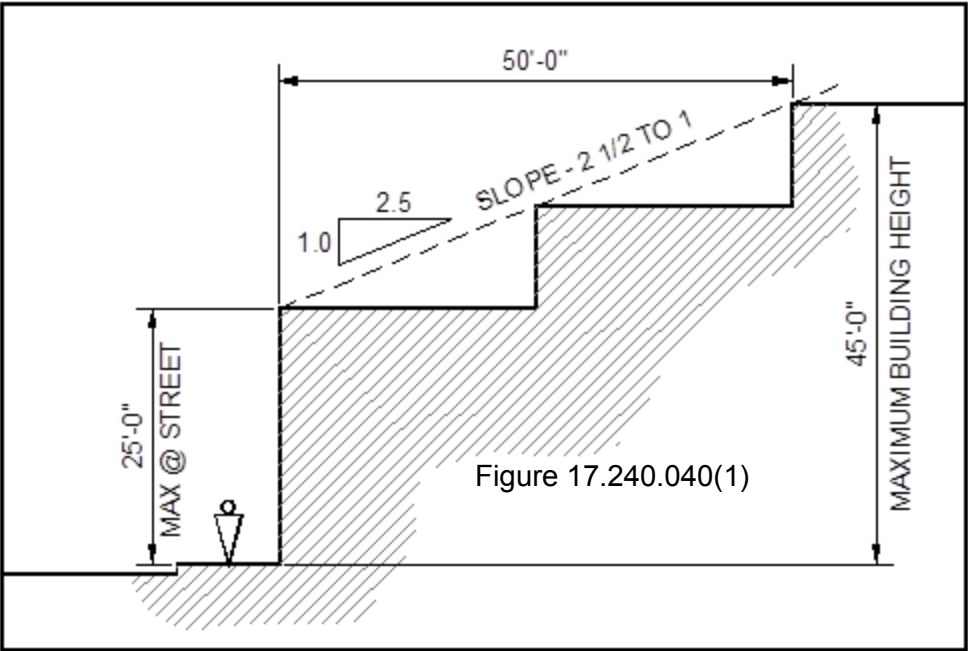
(3) Exemptions

- (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 re-staining 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.

**Section 4. 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 Community 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 Community Development Director, or their designee, shall 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 shall be reviewed under "Option Two" (17.240.050) of this chapter unless they are accessory to a main use, in which case they would be allowed and reviewed under "Option One" of this chapter.
  - (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.



(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.



(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 50 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 *four (4)* 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) Gabel 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) Billboards



- (v) Readerboards

## **Section 5. 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. Under this option the applicant will be required to apply for and attend a Pre-Application Conference with City staff and the Design Review Committee. A staff report and recommendation will then be forwarded to the Planning Commission. The Planning Commission may approve, approve with conditions, or deny the application. Findings will be made relative to the purpose statements and as appropriate to the public interest.

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 to 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.

**Section 6. Murals.** If an applicant is proposing a new mural the second option (17.240.050) must be used by the applicant.

- a. 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:

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

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 15<sup>th</sup> day of October 2013 by the following vote:

Yes:

No:

Absent:

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Crystal Shoji  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

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Susanne Baker,  
City Recorder of the City of Coos Bay  
Coos County, Oregon