

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

<b>MEETING DATE</b>	<b>AGENDA ITEM NUMBER</b>
November 5, 2013	

**TO:** Mayor Shoji and City Councilors

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

**ISSUE:** Empire Design Standards

**BACKGROUND:**

Brief History of the Current Proposal

In June of 2011, there was a joint work session between the City Council (CC), Planning Commission (PC), and the Design Review Committee (DRC) to go over the proposal that the DRC and staff had been working on for over a year. After that meeting, the proposal was reformulated by a planning consultant (The Morgan CPS Group, Inc.) and re-presented to the City Council for their comments and adoption. Several iterations have been in front of the Council since that time. Most recently, I brought the proposal to the City Council on October 15<sup>th</sup> for a public hearing.

Intent and Direction

As I understand it, the purpose of this proposed code update, is to take a 10-year old design ordinance and make it more relevant to today's needs and to "lighten up" some of the provisions. In order to do this, I think that it is important to understand that the intent and direction given to staff by the City Council on this revision was to make the code easier to follow and easier for interested developers and area business owners to make improvements to their properties. To accomplish this staff has instituted a two-prong approach which allows for an expedited review process over the current standards. Additionally, most of the late 1800 theme requirements that are in place in the current ordinance have been omitted and replaced with a menu of design options for the applicant's to choose. Should an applicant want to come forward with a design of their choice and not include any of the menu options, they must simply obtain the Planning Commission approval.

Economic Development

One thought on the economic development perspective: The City could stop and look at all this from the perspective of an investor, be that a person building a new building, creating a new business, remodeling an existing building, or opening a new business in an existing building. Why would they want to do so within this design area? Each of these decisions is driven by economic considerations. Each must be determined to have high value to the person making the investment. Each must be more attractive than the myriad of alternatives to making the investment. If economic development is the goal, then the strategy must be primarily focused on attracting private investment. That means understanding how to create net value for the investor while also creating value for the community.

Staff's opinion on the proposed code is that having a more flexible approach with reduced design parameters would likely not only spur economic development in the area but allow current business

owners to improve their businesses without needing to comply with the more difficult requirements that are in the current code. At such a time that the economic development and/or tourism in the area is sufficient to support a theme approach, it may make sense at that time to institute a design guideline in the area stressing design conformity.

The ordinance revision process has taken over three years to date; and during this period, the Council membership has changed several times. If the current membership of the Council feels that there is not enough consensus for the present proposal, then staff would recommend that the Council direct staff to schedule a Council work session to address the proposal in more detail so as to provide staff further directions in this matter.

**ACTION REQUESTED:**

If it pleases the Council, please enact the draft Ordinance and repeal Ordinance number 302 or direct staff to schedule a work session to discuss the proposal in more detail.

## 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

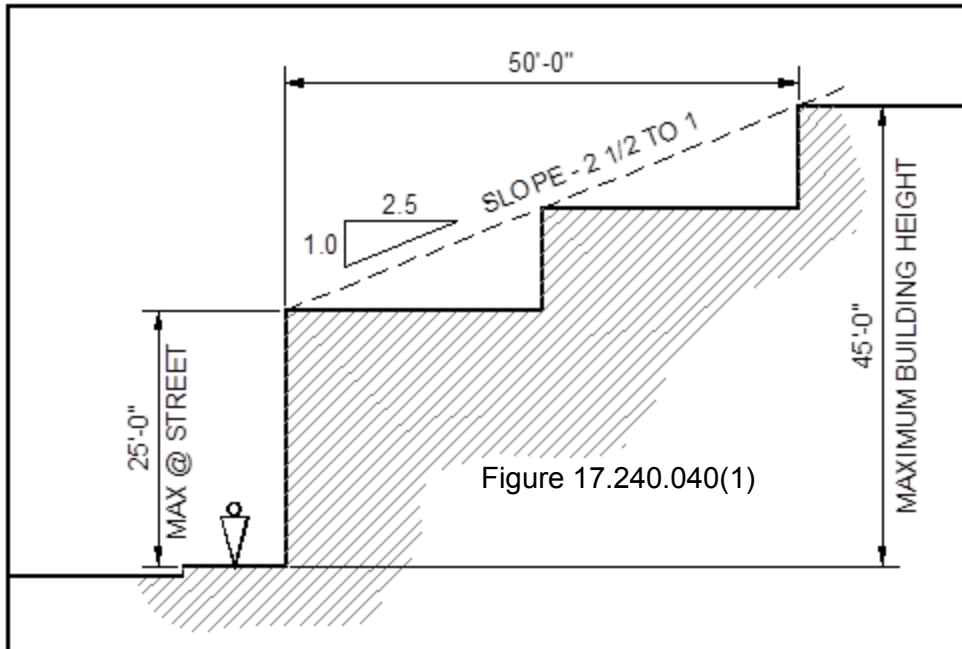
- (a) The provisions of this chapter shall not prevent alteration, restoration, or removal of any building or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.
- (b) Ordinary 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) Outdoor spaces for public use
  - (d) Street furniture in areas adjacent to the public sidewalk
  - (e) Courtyards adjacent to the public sidewalk
  - (f) 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 \_\_\_\_\_ day of November 2013 by the following vote:

Yes:

No:

Absent:

---

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

ATTEST:

---

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