



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>



### NOTICE OF ADOPTED AMENDMENT

March 10, 2008

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist *MU*

SUBJECT: City of Clatskanie Plan Amendment  
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 25, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative  
Gloria Gardiner, DLCD Urban Planning Specialist  
Bill Holstrom, DLCD Transportation Growth and Management Planner  
Mark Barnes, City of Clatskanie Planner

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**FORM 2**

**DLCD NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

**DEPT OF**

(See reverse side for submittal requirements)

MAR 05 2008

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Clatskanie Local File No.: 2006-13  
(If no number, use none)

Date of Adoption: 12/12/07 Date Mailed: 3/4/08  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8-28-07

- Comprehensive Plan Text Amendment
  - Comprehensive Plan Map Amendment
  - Land Use Regulation Amendment
  - Zoning Map Amendment
  - New Land Use Regulation
  - Other: \_\_\_\_\_
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Commercial mixed use overlay zone

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to new overlay zone

Location: downtown Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No: \_\_\_\_\_

DLCD File No.: 002-07(16351)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

NONE

Local Contact: Mark Barnes, AICP Area Code + Phone Number: 503-325-4356

Address: PO Box 569 City: Astoria

Zip Code+4: 97103-0569 Email Address: mbarnes@pacifier.com

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

City of Clatskanie

Ordinance No. 651

**An Ordinance Amending the Land Development Code  
and Implementing Downtown Development Standards**

Whereas, the City Council wishes to update and establish standards for regulation of development that is compatible with our downtown; and


Whereas, the Planning Commission has reviewed the Ordinance and recommends that the City Council adopt said Ordinance.

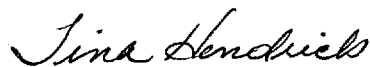

Now therefore, the City of Clatskanie ordains as follows:

New Provisions to the Land Development Code.

The language set forth in "Exhibit A," dated August 30, 2007, which is attached hereto incorporated herein and made a part of this Ordinance, shall be added to Title 9, of the Clatskanie Municipal Code, which is also known as the Land Development Code.

Passed by the Council of the City of Clatskanie this 12th day of December 2007.

  
Diane Pohl, Mayor

  
Attest   
Tina Hendricks, CMC  
City Recorder

1<sup>st</sup> Reading: November 7, 2007

2<sup>nd</sup> Reading: December 12, 2007

ROLL CALL ON ADOPTION	AYE	NAY	ABSENT
Mayor: Diane Pohl	X		
Councilors: Bertie Barr	X		
Steve Constans	X		
Kathy Engel	X		
Larry Garlock	X		
Toby Harris			X
Ron Puzey	X		

**“EXHIBIT A”**  
**City of Clatskanie**  
**Amendments to Title 9 - Land Use and Development Code**

Commercial and Mixed-Use Overlay Zones  
Ordinance Establishing Development Review Advisory Committee

*Planning Commission Recommended Draft*

Revised August 30, 2007

Prepared by:



*New section to be added to Clatskanie City Code, Title 9, Chapter 3, Land Use and Development: Administration and Enforcement.*

**SECTION 9-3-2: ADMINISTRATIVE AUTHORITY**

**G. Development Review Advisory Committee**

1. Advisory Committee Established and Purpose. That City of Clatskanie Development Review Advisory Committee is hereby established, the purpose of which is to provide input to a prospective land use and development applicant regarding city code requirements and recommendations before a land use or development application is complete and formally submitted for review. There shall be no official action taken at an advisory committee meeting, and the City shall bear no responsibility to the applicant for any omission or error of any committee member or recommendation of the committee.
2. Membership. The advisory committee shall consist of seven (7) members appointed by the City Council comprising the following officials and agencies: Mayor, Councilor, Planning Commissioner, City Manager, Public Works Director, Clatskanie Rural Fire Protection District, and Clatskanie People's Utility District.
3. Mandatory Review for Certain Development Applications. Completion of an advisory committee meeting is a prerequisite for a new commercial structure, any industrial development, subdivision, or any multi-family development involving three or more dwellings. The City will not deem complete any land use application for which a required Development Review Advisory Committee meeting has not occurred in compliance with this Ordinance.
4. Meeting Schedule. The advisory committee shall meet as often as needed to process an applicable land use development request or application. The City shall schedule an advisory committee meeting generally within fourteen (14) days of receipt of an applicable land use and/or development request. Requests for land use and development shall be submitted on official city forms and signed by the owner of the subject property or by the owner's authorized representative.
5. Public Meetings. Meetings of the advisory committee will be open to the public, but the meetings are not subject to statutory requirements for land use proceedings.
6. Fees. The City Council may by Resolution establish a fee to process applicable requests for land use and development actions through the Clatskanie Development Review Advisory Committee.

*New sections to be added to Clatskanie City Code, Title 9, Chapter 9, Land Use and Development: Special or Overlay Zones (C-1-D, C-1-H, and MU-R).*

## **ARTICLE D. C-1-D DOWNTOWN DESIGN OVERLAY ZONE**

### **9-9D-1: PURPOSE AND INTENT:**

- A. Purpose: The Downtown Overlay (C-1-D) Zone supports mixed-use, pedestrian-oriented development in the downtown, consistent with Clatskanie's historic character and riverfront setting.
- B. Intent. The C-1-D standards are intended to implement the vision for the downtown consistent with the following values and objectives:
  - 1. Retain Clatskanie's compact, walkable downtown as its main working, shopping, and entertainment district
  - 2. Design historically appropriate buildings with a close, intimate human-scale; building standards are intended to respect the architectural language of the 1900s-1930s period of Clatskanie's development, while allowing for new interpretations of historic styles
  - 3. Use contextually appropriate materials, textures and colors
  - 4. Provide for designs that address four sides of every building
  - 5. Orient any off-street parking away from Nehalem Street and Highway 30 in shared parking areas
  - 6. Encourage riverfront development and public access to the Clatskanie River
  - 7. Encourage vibrant civic spaces (e.g., plazas, public art, café seating areas, river access, etc.) that create intrigue, while adding value to downtown properties
  - 8. Break down large building masses and maintain a storefront character
  - 9. Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines, and façade elements
  - 10. Treat corner lots as focal points (e.g., public art, seating, etc.).
  - 11. Provide weather protection with awnings and canopies over the sidewalk

### **9-9D-2: APPLICABILITY OF PROVISIONS:**

- A. Application to C-1 Zone: The C-1-D overlay supplements the standards contained in the base C-1 zone by refining the permissible uses, densities, and design standards for properties that are located in the downtown core and in the vicinity of Nehalem Street between South 2<sup>nd</sup> Street and North 5<sup>th</sup> Street, as designated on the City of Clatskanie Zoning Map.
- B. Guidelines versus Standards: The City of Clatskanie distinguishes between *standards* and *guidelines*. The word "shall" or "must" typically indicates a standard, required element or specification. Guidelines are supplementary to standards. Guidelines are not mandatory, but not ignorable either. The words "should," "preferred" and "recommend" typically indicate guidelines, which may allow different options for meeting a particular standard or required element. Standards may also specify things that are "prohibited" or "not permitted." Any standard contained in this Chapter may be modified or adjusted by the Planning Commission through site plan review (Section 9-1-7) upon the commission finding that the applicant's proposed design

equally or better meets the intent of the standard to be modified, and such change is consistent with the purpose in Section 9-9D-1.

- C. **Use of Graphics:** The graphics contained in this chapter are to be interpreted as *examples* of elements, styles, and design treatments fulfilling the C-1-D standards. Unless a graphic provides a specific dimensional standard or uses the word “shall,” it is intended to be used as a *guideline*, consistent with subsection 9-9D-2.B.
- D. **Existing versus New Uses or Development:** Existing uses and developments are not required to conform to the C-1-D standards until new development or redevelopment is proposed, as follows:
1. Conformance to the design standards and guidelines in sections 9-9D-4 5 through 9-9D-13 14 is required for projects involving an exterior building remodel or physical change to any sign, in which case an application for Site Plan Review is required under Section 9-1-7.
  2. The design guidelines and standards in Sections 9-9D-4 5 through 9-9D-13 14 are applied through Site Plan Review as follows:
    - (a) New building: all of the overlay zone standards apply.
    - (b) Building addition or redevelopment that increases the floor area of building(s) by 50 percent or more, or development equaling 50 percent or more of the value of existing improvements on the site according to the Columbia County Assessor’s Office (whichever is less): all of the overlay zone standards apply.
    - (c) Building addition, redevelopment, or exterior remodel requiring a building permit, but not meeting the thresholds under subsections (a) or (b): Standards apply to that portion of the building(s) and/or site that is subject to exterior modification(s).
    - (d) Project not requiring a building permit but changing an exterior element (building, sign, parking, landscaping, circulation, etc.) with regard to color, materials, and/or finishes: Sections 9-9D-4 5 through 9-9D-13 14 apply to that portion of the building or site that is subject to exterior modification(s).
- E. **Adjustments and Modifications to the Standards:** The standards contained in this document may be *adjusted* or *modified* by the Planning Commission without the need for a variance upon finding that the purpose the standard can be better met through the applicant’s proposed (alternative) design solution. Where the language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site’s context and the purpose of the code. Where the applicant proposes an alternate design that is not clearly supported by the standards, the review body will refer to the above purpose and the guidelines of the applicable subsection(s) below. These “guidelines” will serve as the approval criteria for such requests.



**9-9D-3: PERMITTED USES**

A. Permitted Uses: The land uses that are permitted outright or conditionally in the C-1 zone are also permitted outright or conditionally, as applicable, in the C-1-D zone, except those uses listed in subsection B, below, are not allowed;

**B. Exceptions:** Residential uses are allowed provided they are located above a permitted ground floor commercial space

C. Drive-up/Drive-Through Facilities: Drive-up/drive-through facilities that were lawfully established prior to *[date]* may continue as long as there is no change in use; when there is a change in use requiring site plan review, the drive-up/drive-through facility shall either be removed or made to be more compatible with the pedestrian environment, for example, through enhanced sidewalks or walkways with contrasting pavers or bollards at crosswalks.

D. Conditional Uses: Except as modified by this Section, land uses that are allowed with a conditional use permit in C-1 are allowed with a conditional use permit in C-1-D.

**9-9D-4: PROHIBITED USES.**

1. Automobile service, lumber sales, sign painting, storage, and similar commercial and commercial-industrial-type uses are not permitted.
2. Drive-up/drive-through facilities are not permitted, except those lawfully established prior to *[date]* may continue in accordance with subsection C, below.

**9-9D-4 5: DESIGN STANDARDS AND GUIDELINES – BUILD-TO LINE**

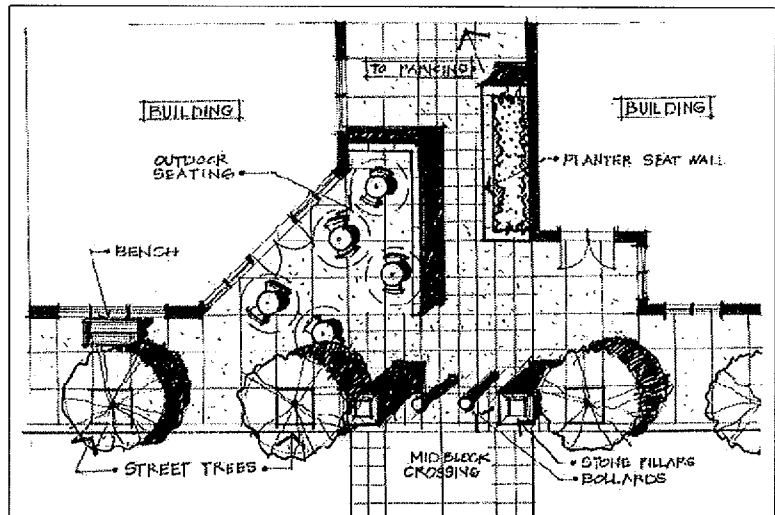
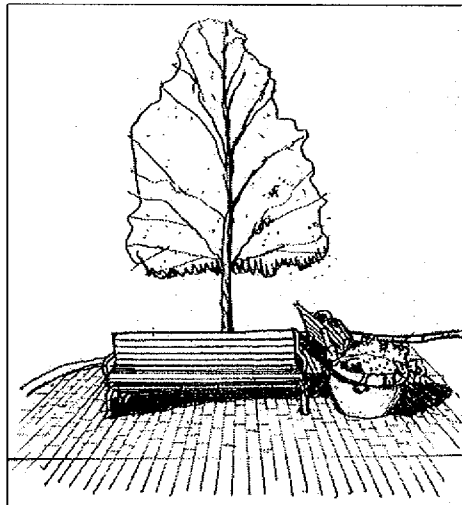
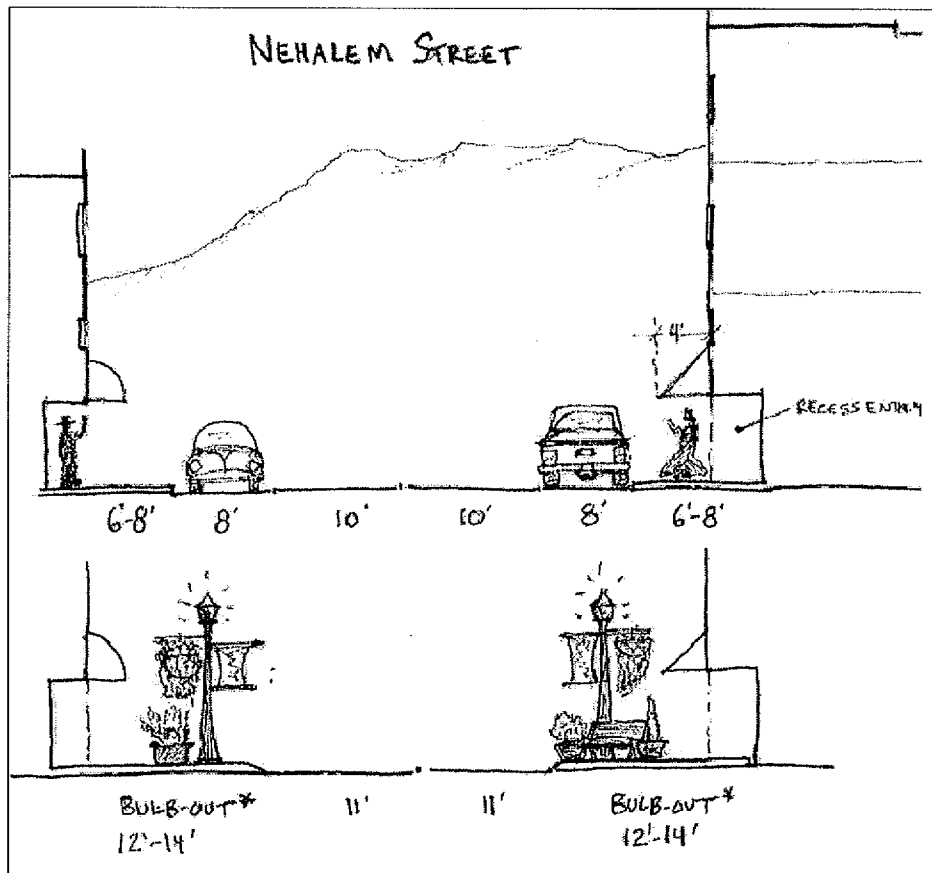
New development and redevelopment projects should reinforce the historic town grid and support an attractive, comfortable, and economically successful downtown. By maintaining the integrity of the town's historic urban form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly downtown. The following standards apply:

- A. Setbacks: There are no required setbacks in the C-1-D overlay, except as otherwise required under applicable building codes.
- B. Buildings Placed at Sidewalk Edge: Buildings shall be placed at the sidewalk line, except that increased setbacks are permitted for recessed building entrances, civic spaces (e.g., plazas) and extra-wide sidewalks (e.g., outdoor cafés).

**9-9D-5 6: DESIGN STANDARDS AND GUIDELINES – STREETSCAPE**

- A. New Curb Openings at North Nehalem Street Not Permitted: In order to maintain storefront character and pedestrian-orientation in downtown, new curb openings or driveway openings onto Nehalem Street north of Highway 30 are not permitted.
- B. Sidewalk Improvements: Where a sidewalk is less than six (6) feet wide, is discontinuous, is in disrepair, or is substandard in its construction, the City may require sidewalks improvements as a condition of development approval.

- C. **Corner Lot Development:** Where a corner lot is subject to development or redevelopment under subsections 9-9D-2.D.2(a) or (b), the sidewalk shall be extended to create a paved plaza (bulb-out) not less than twelve (12) feet deep, except where city standards require a larger vehicle turning radius. Plaza design and materials shall be subject to site plan review.



Top: Typical street section for Nehalem street (bulb-outs at street intersections and at mid-block pedestrian crossings; Lower right: Typical plaza with landscaping, light standard (e.g., with hanging baskets and/or banner brackets) required at street corners.

**9-9D-6 7: DESIGN STANDARDS AND GUIDELINES – PARKING**

- A. Off-Street Parking Exemption: Uses in the C-1-D zone north of Highway 30 are not required to provide off-street parking due to the area's proximity to public parking at City Park and available on-street parking.
- B. Parking Lot Location: Parking shall not be placed between any building's primary entrance and a public street. Parking shall be located behind or beside buildings and not be accessed directly from North of South Nehalem Street or Highway 30, unless no other access alternative exists.
- C. Parking Buffers Adjacent to Streets: Where parking is located adjacent to any street other than an alley, it shall be setback at least six (6) feet from sidewalk edge or right-of-way edge, whichever is closer, and buffered with a landscape strip. The buffer may be reduced to four (4) feet where a stone or brick masonry wall, or wrought-iron fence, is provided between the buffer and parking area, the design of which shall be consistent with the building design standards in Section 9-9-D-8 9. Landscaping required under these provisions shall conform to the Section 9-9D-10 11.

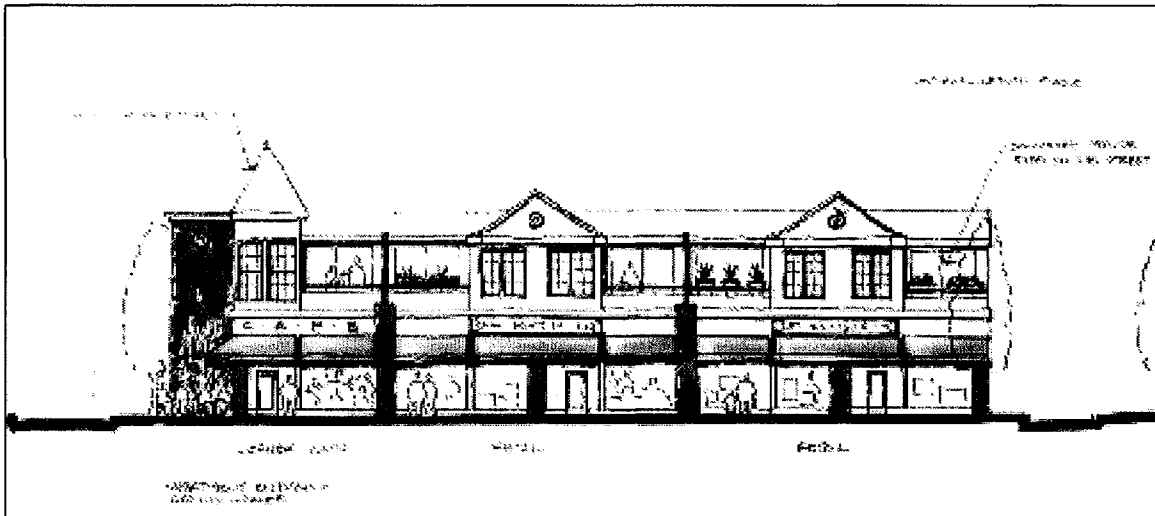
**9-9D-7 8: DESIGN STANDARDS AND GUIDELINES –PRIMARY ENTRANCES**

- A. Primary Entrance: Every building shall have at least one primary entrance opening directly onto a public sidewalk, civic space, or other walkway approved through site plan review.
- B. Weather Protection: In order to maintain storefront character and pedestrian orientation downtown, all buildings shall provide sidewalk and pedestrian protection (e.g., canopies or awnings) across at least thirty (30) percent of their street frontage. Such canopies or awnings shall have a minimum depth of four (4) feet. Property owners are responsible for maintaining in good condition all awnings and weather-protecting features (i.e., appearance and function). See also, Section 9-9D-8 9.

**9-9D-8 9: DESIGN STANDARDS AND GUIDELINES –BUILDING DESIGN**

- A. Design Four Sides: All four sides of every building shall be designed to create an overall composition conforming to the guidelines and standards of this section.
- B. Clatskanie's Historic Character: New buildings may not mimic other existing buildings in their design, but should instead provide a new interpretation of Clatskanie's historic character, consistent with the architectural styles prevalent from the 1900s to the 1930s. Consistent with this standard, all building stories shall conform to the following criteria:
  - 1. All building shall contain a base, middle, and top, as follows:
    - a. The base shall be defined, for example, by a kick-plate, wainscoting, or similar detail extending at least twenty-four (24) inches above grade (sidewalk); storefront windows shall not extend below that level.
    - b. The middle of a ground floor shall be defined by storefront windows and awnings, canopies, or similar weather-protection features. Such windows shall conform to subsections 9-9D-8 9. In a multi-story building, a belt course or similar continuous detail shall define the break between stories.

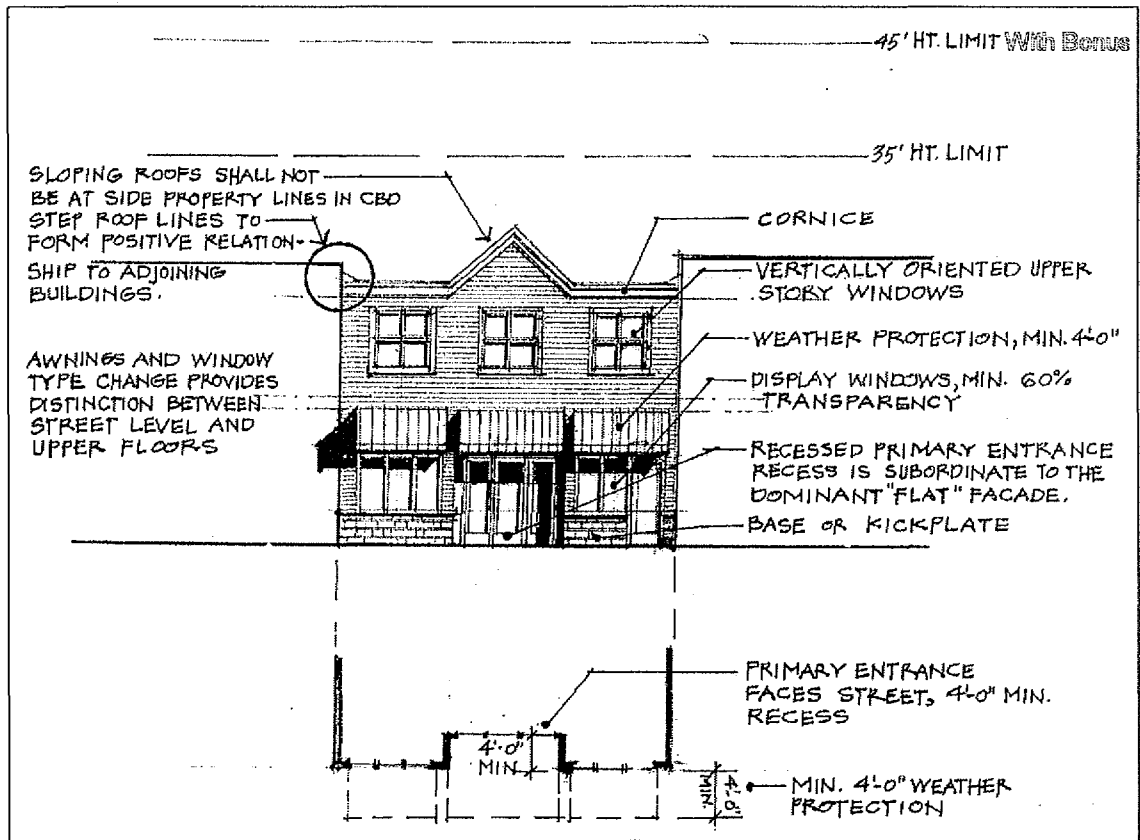
- c. The building top shall be defined by a cornice or parapet incorporating materials and proportions that are consistent with the overall composition of the building. Cornices and parapets must wrap around all four sides of the building, consistent with subsection 9-9D-8 9.A.
2. Roof elevations shall be articulated consistent with the historical pattern and rhythm of buildings developed in the 1900s-1930s. Acceptable roof forms include flat roofs with stepped parapets or cornices, shed roofs and front-facing gables incorporating a parapet wall, gambrel and cross-gable roofs, turrets or towers. Mansard, flat roofs without stepped parapets or cornices, gable-dominant fronts, and other historically inappropriate forms are not permitted.
3. There shall be no blank walls. Building elevations facing a street or civic space shall contain transparent windows and/or doors over at least fifty (50) percent of such ground floor elevations (surface area), and over at least thirty (30) percent of all upper stories facing a street or civic space. Except as required by applicable building codes, windows are not required on elevations that do not face a street or civic space; nor are they required on common walls or those that have a 0-setback abutting another property that may develop with a 0-setback, creating a common wall in the future. Elevations not containing windows, as specified above, shall have detailing and changes in materials and texture distinguishing between the building's base, middle and top and providing visual relief consistent with the overall composition of the building design ("four sides" designed).



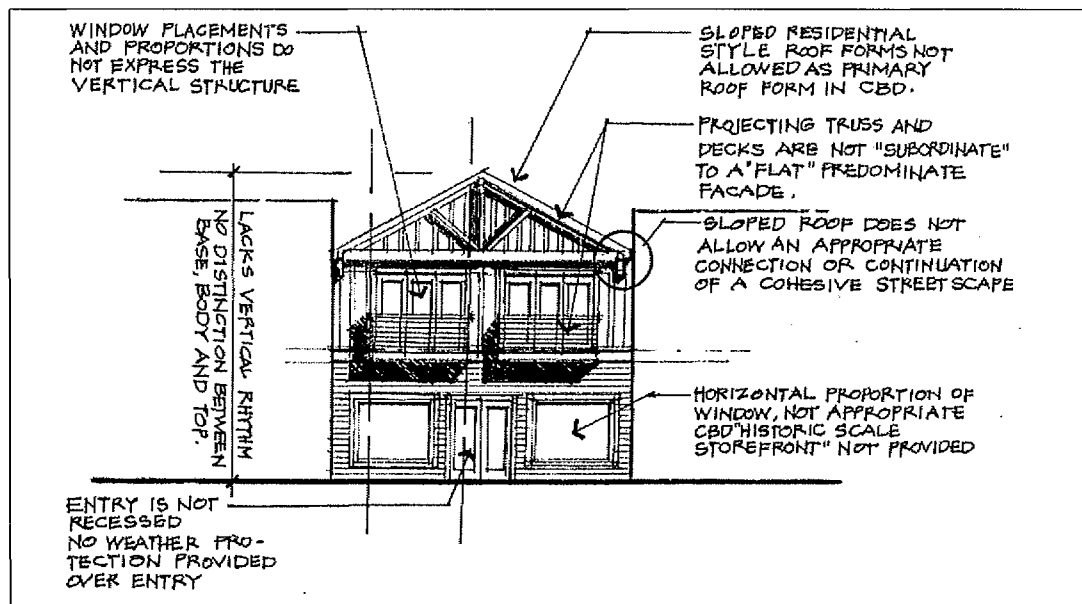
Example of a contemporary interpretation of historic building forms and rhythms with articulated façade and roof elevation. Note: building has a base, middle and top. (Source: Clatskanie Downtown Resource Team Report)

4. Ground floor windows, when sized differently than upper-story windows, shall be larger than upper story windows. Window shapes and sizes should be consistent in rhythm and orientation within each elevation. This does not mean that all windows must be the same shape and size; when windows vary in size or shape, the dimensions should be similar from one window to another, and have the effect of creating a rhythm across the building, and from one building to another.

5. Parapets, when used, shall vary in height and character from building to building to reinforce the storefront character and pedestrian scale downtown. New buildings that are taller than existing adjacent buildings should have parapets that step down, or otherwise respond to the rhythm of the other existing structures. Cornices from one building to another should align or be off-set by not less than a half-story or five (5) feet to differentiate between buildings. When used, false fronts (e.g., wood panel or board and batten siding) should be compatible with the overall composition of the building (e.g., Old Western-style) and not cover historic facades. False fronts that do not conform to a style found in Clatskanie's historical developments are not permitted.
6. Exterior building wall materials should be predominately brick, masonry, stone, wood (lap, shingle or panel siding), or pre-cast stone block or veneer. Outside trim, signs, lighting, detailing and other exterior elements may incorporate brick, masonry, stone, wood, or earth-tone metals (e.g., canopies, railings, flashing, ornamentation, wainscoting, signs, and similar elements). Synthetic materials that are similar in appearance and durability to those listed (e.g., cultured stone, concrete composite lumber, etc.) may be approved by the review body on a case-by-case basis, provided the material is shown to be compatible with the overall composition of the building and it is as durable as other permitted materials. Plastics, vinyl, unfinished concrete block, aggregate finishes, reflective/metallic finishes, and similar materials, textures and finishes are not permitted on surfaces that would be visible from a public right-of-way, civic space, park, or the Clatskanie River.
7. Exterior colors, including buildings, signs, landscape features, street furnishings, etc., shall predominately be warm, earth-tone colors. Bright colors are not permitted, except as follows:
  - a. Non-earth tone colors may be approved through site plan review where they are used as accents only; such color may be approved for trim or signage, provided that it is applied over not more than five (5) percent of a building elevation or sign, and it is not a florescent or neon color as described in subsections b-c, below.
  - b. Fluorescent (e.g., day-glow), glittery, reflective, metallic, and similar colors and finishes are not permitted;
  - c. Neon is allowed for window signage, provided that the sign area does not exceed six (6) square feet **"per elevation"**. Other applications of neon may be approved through site plan review provided the Planning Commission finds the application of neon to be consistent with one of downtown Clatskanie's recognized historic architectural styles (e.g., Art Deco). See also, Section 9-9D-11 12, Signage.
8. New exterior remodels and painting shall conform to the above criteria. Existing materials, paint colors and finishes that do not conform to the above criteria shall be allowed to phase-out over time as amortization occurs.



Examples of acceptable (top) and unacceptable (bottom) building design elements in downtown.



**9-9D-9 10: DESIGN STANDARDS AND GUIDELINES – RIVERFRONT DEVELOPMENT**

- A. Riverfront Development Guidelines: Developments that provide visual or physical access to the Clatskanie River are encouraged.
  - 1. Where a property abuts the Clatskanie River it should include visual or physical river access, for example, at public viewing points, promenades, docks or boat landings, where practicable.
  - 2. Where physical access is not practicable, views of the water from adjacent rights-of-way should be maintained or enhanced, where practicable.
  - 3. Balconies, decks, outdoor seating areas, and other water-enjoyment features are encouraged in new development.
- B. Riverfront Amenities Incentive: In order to protect and enhance economic vitality and property values in the downtown, and to enhance livability, the review body may approve a building height bonus of ten (10) feet, or may adjust other design standards contained in Chapter 9-9D, through site plan review where it finds that a development provides exceptional public access to the Clatskanie River, consistent with subsection 9-9D-9 10.A, Section 9-9D-12 13 (Civic Space), and other provisions of this chapter. In addition, the City of Clatskanie may offer Urban Renewal assistance to facilitate public access to the river. (See also, Section 9-9D-12 13, Civic Space.)
- C. Consistency with Other Regulations: Where riverfront development is permitted, it shall conform to applicable floodplain and wetlands requirements. The applicant shall be responsible for obtaining any state or federal permits that may be required.

**9-9D-10 11: DESIGN STANDARDS AND GUIDELINES – LANDSCAPING AND SCREENING**

- A. Landscaping: Up to eighty (80) percent of the required fifteen (15) percent landscaping in the C-1 zone (Section 9-10-6) may be comprised of plaza space. The review body may require the use of pervious, hardscape materials such as pavers set in sand (e.g., plazas) that allow water infiltration. Such areas shall be designed to accommodate expected stormwater runoff. In determining whether to allow hardscape materials as a substitute for plantings, the approval body shall consider the suitability of the area as a civic space under Section 9-9D-12 13.
- B. Mechanical Equipment and Refuse Storage:
  - 1. Building Walls: Mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment shall be oriented away from all streets and civic spaces. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or civic space, its appearance shall be minimized using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults, and similar equipment should not be placed on a front elevation when other alternatives exist; such equipment shall be placed low on a side or rear elevation to the extent practicable.



2. Rooftops: Rooftop mechanical equipment shall not be visible from the street or any alley, pedestrian access way, plaza or other civic space. Such units should be painted with muted, earth-tone colors that make them visually subordinate to their backgrounds.
3. Ground-Mounted Mechanical Equipment and/or Refuse Facilities: Mechanical equipment and refuse storage facilities shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth.

#### **9-9D-11 12: DESIGN STANDARDS AND GUIDELINES – SIGNS**

- A. Purpose and Intent: The number, size, configuration, placement, color, materials, and illumination of signs all play a part in shaping the built environment. Signs in the downtown north of Nehalem Street should function primarily as tools for pedestrian way finding and business identification. Business identification does not require that owners maximize the size or number of signs. Traffic on Nehalem Street is slow which, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Unique buildings, by themselves, can become icons and serve as signs for the businesses inside them. Billboards and other signs designed to a “highway scale” are not permitted.
- B. Sign Standards: In addition to the requirements of Chapter 12, Sign Regulations, the following standards apply:
  1. Freestanding signs shall not exceed a height of eight (8) feet and are limited to 36 square feet per sign face.
  2. Neon signs and neon lighting shall conform to the provisions in Section 9-9D-8 9.
  3. All non-conforming signs existing as of [date of ordinance] shall be removed or modified to conform to current standards when there is a change in use or the subject property comes in for site plan review.
- C. Sign Guidelines: Optimally, very few signs should be necessary to identify a building and businesses within it. Buildings themselves should be unique in their design and serve as icons or signs for the businesses they house. The intent is for new signs to be predominately low-profile and pedestrian-scale in design; blade signs, canopy and awning signs, and other integrated building signs are encouraged. Building signs should be designed to fit the overall composition of a building’s architecture. Note: The Planning Commission reviews signs requiring a building permit.

#### **9-9D-12 13: DESIGN STANDARDS AND GUIDELINES – CIVIC SPACES**

Civic spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves, and pocket parks, provide visual relief, pedestrian resting areas, and opportunities for socialization. Civic spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and centralized parking areas to the success of downtown. Therefore, the City encourages the provision of civic space and other public amenities in new developments and redevelopment projects with the following incentives:

- A. **Civic Space Development Incentive:** The review body may grant a building height bonus of up to ten (10) feet, or one full story (whichever is greater), or modify other development standards contained in Chapter 9-9D, for projects that voluntarily provide civic space(s) equal to or greater than six (6) percent of the gross site area of the project and/or incorporate river access feature(s), as described in Section 9-9D-9 10. In modifying a development standard under this provision the approval body shall find that the change equally or better meets the purpose of the C-1-D overlay in Section 9-9D-1.
- B. **Other Public Amenities.** Projects providing public parking, street furnishings, or other public amenities, as approved by the review body, may receive a height bonus or modification to other development standards contained in Chapter 9-9D.
- C. **Conditions of Approval:** Project approvals shall be conditioned to ensure that all civic spaces, including sidewalk and plaza extensions abutting the public right-of-way, are constructed according to City standards and specifications (e.g., pavers, furnishings, etc.).

#### **9-9D-13 14: DESIGN STANDARDS AND GUIDELINES – EXTERIOR LIGHTING**

The number, size, design, and placement of lights all contribute to creating a safe and aesthetically pleasing downtown. Unnecessary or excessive lighting can contribute to light pollution and diminish views of the night sky. Lights in the central business district should function primarily as tools for pedestrian way finding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. The street plan for downtown includes sidewalk lighting (antique street lamps) which, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them.

- A. **Lighting Guidelines:** Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally.
  - 1. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is encouraged, provided that unshielded, high intensity light sources and those that direct light upward without cut-offs will not be permitted. (See subsection 2 below.) Lights should generally conform to the city's street lighting program.
  - 2. Antique-style lights are preferred over recessed can lights or institutional-style fixtures at building entrances. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.
- B. **Lighting Standards:** The following standards apply to exterior lighting:
  - 1. Highway-style lights (e.g., cobra head, davit pole, and similar styles) are prohibited.
  - 2. Light poles and fixtures shall not exceed a height of twenty (20) feet above the nearest grade.

3. The visual impacts of site and architectural lighting, such as overspray of light onto adjacent residential properties and lights shining into the night sky, shall be minimized. Unshielded, high intensity light sources and those that direct their light upward are not permitted. Globe lights (i.e., those that are not otherwise shielded inside a fixture) are not permitted.
4. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to minimize light pollution.
5. The review body may require timers or activity switches be installed to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.
6. Lights used to wash a building elevation (including any signs) shall not wash more than seventy-five percent (75%) of the façade. Interior lights (e.g., store displays, etc.) are exempt.
7. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated to 2 foot-candles using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas and are consistent with the city's street lighting program.
8. The use of neon lighting and/or signage shall conform to the provisions in Section 9-9D-8 9.

## **ARTICLE E. C-1-H HIGHWAY DESIGN OVERLAY ZONE**

### **9-9E-1: PURPOSE AND INTENT:**

- A. Purpose: The purpose of the Highway Commercial Overlay Zone is to maintain a unique sense of place and enhance the appearance of Clatskanie adjacent to Highway 30 while supporting a wide range of commercial land uses with improved accessibility, visibility, and circulation for all modes of transportation.
- B. Intent: C-1-H standards are intended to implement the vision for community gateways. The standards reflect the following values and objectives:
  - 1. Continue to develop at a compact, village-scale
  - 2. Implement a continuous walkway system with connections to multi-use path(s) along the highway and the river
  - 3. Provide a consistent landscape edge between the highway (roadway) and required sidewalks or pathways, as applicable
  - 4. Design buildings that express a modern interpretation of Clatskanie's architectural heritage (1900s-1930s) and prohibit formula- or chain-store designs found along highways in other communities.
  - 5. Use contextually appropriate materials, textures and colors
  - 6. Encourage consolidated and shared parking areas oriented away from Highway 30
  - 7. Break down large buildings into smaller masses
  - 8. Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines, and façade elements
  - 9. Treat corner lots as focal points (e.g., public art, seating, etc.).
  - 10. Provide weather protection with awnings and canopies over building entrances

### **9-9E-2: APPLICABILITY OF PROVISIONS:**

- A. Application to C-1 Zone: The C-1-H overlay supplements the standards contained in the base C-1 zone by refining the permissible uses, densities, and design standards for all properties located within 100 feet of the Highway 30 right-of-way. The standards in Section 9-9E apply to the full extent of all parcels abutting or located within 100 feet of the highway right-of-way, except for those properties subject to the C-1-D overlay, as designated on the City of Clatskanie Zoning Map.
- B. Guidelines versus Standards: The City of Clatskanie distinguishes between *standards* and *guidelines*. The word “shall” or “must” typically indicates a standard, required element or specification. Guidelines are supplementary to standards. Guidelines are not mandatory, but not ignorable either. The words “should,” “preferred” and “recommend” typically indicate guidelines, which may allow different options for meeting a particular standard or required element. Standards may also specify things that are “prohibited” or “not permitted.” Any standard contained in this Chapter may be modified or adjusted by the Planning Commission through site plan review (Section 9-1-7) upon the commission finding that the applicant's proposed design equally or better meets the intent of the standard to be modified, and such change is consistent with the purpose in Section 9-9D-1.

- C. **Use of Graphics:** The graphics contained in this chapter are to be interpreted as *examples* of elements, styles, and design treatments fulfilling the C-1-D standards. Unless a graphic provides a specific dimensional standard or uses the word “shall,” it is intended to be used as a *guideline*, consistent with subsection 9-9E-2.B.
- D. **Existing versus New Uses or Development:** Existing uses and developments are not required to conform to the C-1-H standards until new development or redevelopment is proposed, as follows:
1. Conformance to the design standards and guidelines in sections 9-9E-4 through 9-9E-9 is required for projects involving an exterior building remodel or physical change to any sign, in which case an application for Site Plan Review is required under Section 9-1-7.
  2. The design guidelines and standards in Sections 9-9E-4 through 9-9E-9 are applied through Site Plan Review as follows:
    - (a) New building: all of the overlay zone standards apply.
    - (b) Building addition or redevelopment that increases the floor area of building(s) by 50 percent or more, or development equaling 50 percent or more of the value of existing improvements on the site according to the Columbia County Assessor’s Office (whichever is less): all of the overlay zone standards apply.
    - (c) Building addition, redevelopment, or exterior remodel requiring a building permit, but not meeting the thresholds under subsections (a) or (b): Standards apply to that portion of the building(s) and/or site that is subject to exterior modification(s).
    - (d) Project not requiring a building permit but changing an exterior element (building, sign, parking, landscaping, circulation, etc.) with regard to color, materials, and/or finishes: Sections 9-9E-4 through 9-9E-9 apply to that portion of the building or site that is subject to exterior modification(s).
- E. **Adjustments and Modifications to the Standards:** The standards contained in this document may be *adjusted* or *modified* by the Planning Commission without the need for a variance upon finding that the purpose the standard can be better met through the applicant’s proposed (alternative) design solution. Where the language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site’s context and the purpose of the code. Where the applicant proposes an alternate design that is not clearly supported by the standards, the review body will refer to the above purpose and the guidelines of the applicable subsection(s) below. These “guidelines” will serve as the approval criteria for such requests.

**9-9E-3 PERMITTED USES:**

- A. Permitted Uses: The land uses that are permitted outright or conditionally in the C-1 zone are also permitted outright or conditionally, as applicable, in the C-1-H zone. In addition, the following uses are permitted:
1. Residential use permitted and developed concurrently with a commercial use and located above the ground floor commercial space; or
  2. Ground floor residential use permitted and developed concurrently with a commercial use, provided the total floor area of all residential structures on the subject site does not exceed fifty percent (50%) of the total floor area approved for the site; or
  3. Ground floor residential use permitted and developed concurrently with a commercial use, provided the residential development (includes buildings, decks, patios, parking, landscape, trash storage, etc.) does not exceed twenty percent (20%) of the subject parcel.
  4. For the purpose of this section, "permitted" means approved through site plan review.
- B. Prohibited Uses: The land uses that are prohibited in the C-1 zone are also prohibited in the C-1-H zone.
- C. Conditional Uses: The land uses that are allowed with a conditional use permit in C-1 are also allowed with a conditional use permit in C-1-H.

**9-9E-4 DESIGN STANDARDS AND GUIDELINES – SETBACKS AND HIGHWAY BUFFER:**

- A. Setbacks and Buffer Requirement: The setbacks are the same as for the C-1 base zone, except a landscape buffer of not less than twenty (20) feet shall be installed between Highway 30 and all required sidewalks or pathways, except as provided in subsection B, below.
- B. Adjustments to Highway Buffer: The buffer specified in subsection A may be reduced in width through site plan review for uses other than those listed in Section 9-9-E-3-C, above, where the review body finds all of the following criteria are met:
1. Existing development or right-of-way constraints preclude a larger buffer.
  2. The reduction in buffer width is the minimum necessary to address existing site constraints;
  3. The constraint or hardship required by the buffer has not been caused by the by the developer; and

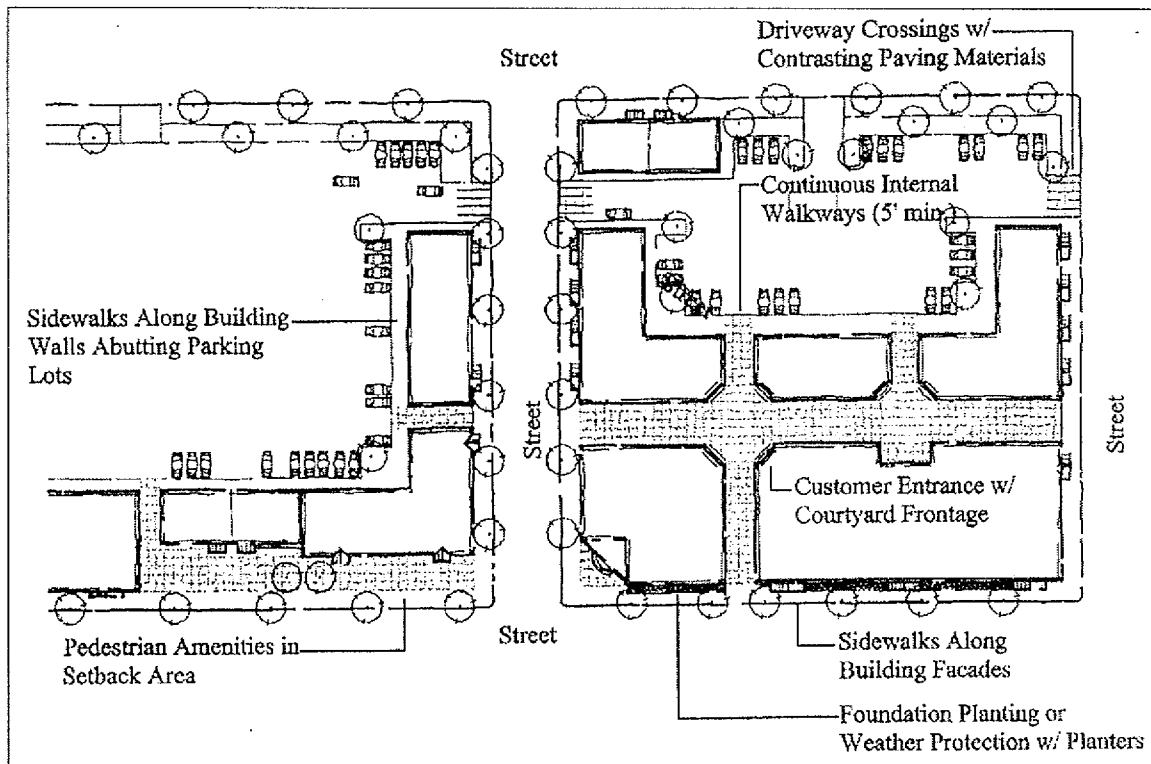
4. The development provide additional landscaping located elsewhere on the site that exceeds the minimum required landscaping for the project and mitigates for the reduction in highway buffer landscaping (e.g., additional landscape islands with trees within a surface parking lot).
- C. Highway Buffer Standards: In addition to the provisions under Section 9-9E-4.A, the following requirements apply to Highway frontages:
1. Individual parcels may receive not more than one driveway access across the buffer, subject to City and ODOT approval.
  2. The buffer shall contain trees spaced on average not more than thirty (30) feet apart and contain low-growing shrubs and ground cover plants. The plantings shall be planned to provide 100 percent coverage after two (2) years.
  3. Trees shall be at least 3-inch caliper at the time of planting.
  4. All plant material shall be subject to review and approval through site plan review and may be subject to modification by ODOT for vision clearance requirements.
  5. New development within the C-1-H gateway areas is required to install a multi-use path not less than ten (10) feet in width, similar to the path located east of the Clatskanie River bridge. The path should conform to the natural topography and meander to provide visual interest. The pathway should afford views of and access to the river wherever practicable and contain benches. Public art should be provided at key locations along the path, such as near the bridge, the viewpoint next to the boat launch, and adjacent to the ball fields at the west end.
  6. In areas where the C-1-H transitions to the C-1-D, the review body may reduce the buffer width and allow a ten (10) foot wide curbed sidewalk with tree wells. The review body may consider each case individually and apply the standards as appropriate to the situation and to provide compatibility with the C-1-D design standards.

#### **9-9E-5 DESIGN STANDARDS AND GUIDELINES: BUILDING DESIGN**

The C-1-H standards for building entrances, building design, and signs are the same as for the C-1-D overlay. Please refer Sections 9-9D-8 9 and 9-9D-11 12.

**9-9E-6 DESIGN STANDARDS AND GUIDELINES: BUILDING ORIENTATION, ACCESS AND PARKING**

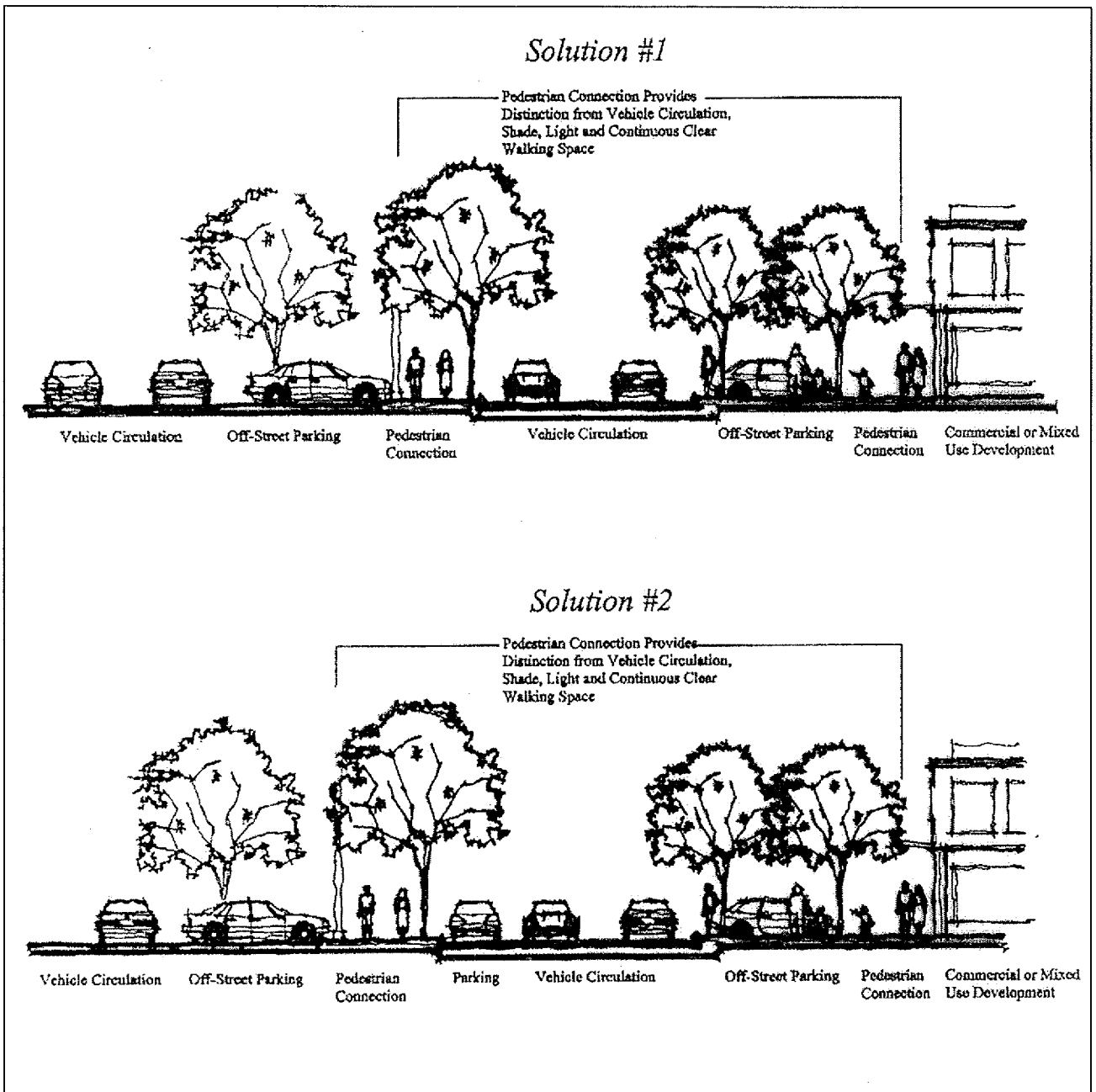
- A. Building Orientation: Buildings shall be oriented to a street, with their primary entrances opening onto a walkway. Where a public street does not exist, buildings shall be oriented to a driveway that is designed to mimic a public street in its appearance and function (e.g., 6-8 foot sidewalk, street trees, pedestrian-scale lighting, on-street parking), as generally shown below.
- B. Vehicle Access and Parking: New developments shall provide for an interconnected system of streets and/or driveways with a minimal number of direct access points onto Highway 30. Such streets and driveways must form blocks that are walkable in scale and design and distribute vehicular traffic safely and efficiently, consistent with the standards in subsection 9-9E-6.D, below. Off-street parking, service areas, deliver bays, drive-up windows and kiosks, storage areas, and similar facilities shall be oriented away from pedestrian entrances and street sidewalks and screened. A landscape buffer at least five (5) feet in width shall be required between off-street parking areas and adjacent street sidewalks. See also, Section 9-9E-4.
- C. Access to Highway 30: Applicants for projects abutting or receiving access from Highway 30 shall demonstrate that all Oregon Department of Transportation permit requirements have been met, or can be satisfied through conditions of Site Plan approval.



Formation of blocks, building entrances, and pedestrian connections. Properties fronting onto Highway 30 would also provide a multi-use path and landscape buffer.



- D. **Pedestrian Circulation Through Large Blocks:** Where a project site consists of more four hundred (400) feet of frontage onto Highway 30, a pedestrian access way (8-foot concrete path within a 20-foot landscaped public access easement) shall be provided at or near the middle of the project's highway frontage, connecting it to the pathway system along the highway. Where no pathway system exists, the developer shall install one that conforms to City standards or propose an alternate public pedestrian access way serving the site and pedestrian through traffic (e.g., along the Clatskanie River). Where such access easement is also required to provide access for emergency vehicles, a minimum unobstructed clearance of fourteen (14) feet is required.
- E. **Pedestrian Oriented Commercial Development:** Shopping center developers often want to orient building pads around large, uninterrupted fields of parking, with high auto-trip-generating uses, such as restaurants, banks, and gas stations, located at the corners. That type of development pattern creates transportation problems, such as conflicting turning movements and safety hazards for pedestrians, as well as an unsightliness, or "strip commercial" look, along a highway. It also creates pedestrian "dead zones" and discourages linked/crossover trips by pedestrians. Therefore, developments containing more than one building site or pad, including commercial subdivisions containing outlying commercial pads, shall meet the following standards, as generally depicted in the graphics below:
1. **Blocks Defined by Street.** The site shall be configured into blocks having frontage onto streets or shopping streets. Shopping streets are private driveways designed to mimic local streets with on-street parking bays (parallel or angled parking), sidewalks, street trees, pedestrian lighting, building entrances placed at or near the shopping street or plaza, and corner building entrances at block corners.
  2. **Maximum Block Length.** Blocks shall not exceed 400 feet in length, and shall have a perimeter that does not exceed 1,600 feet, consistent with subsection 9-9E-6.D.
  3. **Pedestrian Access Way as Alternative to Street Connection.** Where new street access onto Highway 30 is not permitted, a pedestrian access way conforming to the standards in Section 9-9E-6.D may count as block edges. Covered pedestrian walkways (e.g., canopies or porticos) are encouraged, but walkways inside buildings are not counted as block edges.
  4. **Access to Highway 30** is subject to review and permit approval by ODOT.
- F. Where practicable and to mitigate development impacts or to manage access onto Highway 30, the approval body may require an applicant to record a shared access easement and/or construct a shared driveway connecting to an adjacent property (e.g., where a cross-access easement for this purpose already exists or it is feasible to obtain one in the future).



Examples of shopping streets used to meet the block layout standards and the building orientation standards when public street frontage is not available. Note: The above driveways do not have to extend through to Highway 30, provided that a pedestrian connection is made to the required multi-use path.

## 9-9E-7 DESIGN STANDARDS AND GUIDELINES: PEDESTRIAN CIRCULATION

- A. General Guidelines and Standards: The pedestrian circulation system should provide a direct, convenient, and comfortable means of accessing individual uses and connecting to other parts of the community via sidewalks, pathways, mid-block access ways, and area trails, as applicable. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall conform to the following guidelines and standards:
1. Continuous Walkway System. The pedestrian system shall extend throughout the development site and connect to adjacent sidewalk(s). The system shall also provide stubs to allow for their continuation through future phases of development, and to existing or planned off-site adjacent pedestrian ways and civic spaces, to the greatest extent practicable.
  2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between all building entrances and between primary entrances and adjacent sidewalks, consistent with the following criteria:
    - (a) Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
    - (b) Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations. Walkways shall connect all building entrances to one another to the extent practicable
    - (c) On- and Off-Site Connections. Walkways shall connect all on-site parking areas and civic spaces, and shall connect off-site adjacent walkways to the site to the extent practicable. Obstacles posed by existing structures may be cause for not making walkway connections.
- B. Pedestrian Facility Design and Construction: Walkways, including mid-block pedestrian access ways, shall conform to all of the following standards:
1. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the Planning Commission may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
  2. Crosswalks. Where a walkway crosses a parking area, driveway, or street ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, brick, or stamped/scored concrete inlay), which may be part of a raised/speed-table type of crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding twenty-four (24) feet in length.

3. **Walkway Width and Surface.** Walkway and pedestrian access ways shall be at least five (5) feet in width and constructed with stamped or scored concrete, brick/masonry pavers, or other durable surface that contrasts with the driveway paving surface...
4. **Accessible routes.** Walkways shall conform to applicable Americans with Disabilities Act (ADA) guidelines and standards. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA-accessible, and walkways shall provide direct routes to primary building entrances.

#### **9-9E-8 DESIGN STANDARDS AND GUIDELINES: SIGNS**

The C-1-H standards for signs are the same as for the C-1-D overlay. Please refer to Section 9-9D-11 12.

#### **9-9E-9 DESIGN STANDARDS AND GUIDELINES: EXTERIOR LIGHTING**

The C-1-H standards for lighting are the same as for the C-1-D overlay. Please refer to Section 9-9D-13 14.

#### **9-9E-10: DESIGN STANDARDS AND GUIDELINES – LANDSCAPING AND SCREENING**

- A. **General Landscaping Requirements:** On-site landscaping (15 percent of site minimum) is required in conformance with Section 9-10-6. Where a developer installs a twenty (20) foot wide highway buffer area, as required under Section 9-9E-4, the review body may allow the highway buffer to count for up to twenty (20) percent of the required on-site landscape area.
- B. **Landscaping of Off-street Parking Areas:** All off-street parking areas with more than twenty (20) parking spaces shall be divided into bays of not more than ten (10) continuous parking spaces per bay. Landscape islands or dividers shall have dimensions of not less than four (4) feet and shall contain at least sixty four (64) square feet each. The review body may allow surface retention or detention of stormwater in landscape swales that are engineered to accommodate storm water.
- C. **Mechanical Equipment and Refuse Storage:**
  1. **Building Walls:** Mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment shall be oriented away from all streets and civic spaces. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or civic space, its appearance shall be minimized using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults, and similar equipment should not be placed on a front elevation when other alternatives exist; such equipment shall be placed low on a side or rear elevation to the extent practicable.

2. Rooftops: Rooftop mechanical equipment shall be screened.
3. Ground-Mounted Mechanical Equipment and/or Refuse Facilities: Mechanical equipment and refuse storage facilities shall be screened from view of public rights of way with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth.

## **ARTICLE F. MU-R MIXED-USE RESIDENTIAL OVERLAY ZONE**

### **9-9F-1: PURPOSE:**

- A. Purpose: The mixed-use residential (MU-R) overlay zone promotes transportation efficiency, economic development and housing options through a mix of compatible employment and residential uses located close to downtown Clatskanie.
- B. Intent: The MU-R overlay is intended to provide greater flexibility in permitting small, neighborhood-serving commercial uses adjacent to downtown or on main thoroughfares. The MU-R overlay allows limited commercial uses to locate within a residential zone. The MU-R development standards are intended to maintain compatibility with existing residential uses and with downtown commercial uses. It is not the intent of this ordinance to prohibit residential uses, or to impose requirements that are more restrictive than those contained in the applicable base residential (R-5 or MFR) zoning district. The MU-R overlay does not affect home occupations, which are addressed separately under Section 9-13-4.

### **9-9F-2: APPLICABILITY OF PROVISIONS:**

- A. Application of MU-R Overlay to Residentially (R) Zoned Properties: The MU-R Overlay can only be applied to any property zoned R-5 or MFR, subject to the following procedures and approval criteria:
  - 1. The planning commission shall conduct a quasi-judicial public hearing (Section 9-3-7) on the proposed MU-R rezoning, and either approve or deny the request; or in the case of an MU-R overlay application filed jointly with an application for Tentative Plan Review, the commission may approve the MU-R overlay subject to specific conditions (e.g., development agreement).
  - 2. A rezoning to MU-R may be approved after the commission considers findings on the criteria listed below and public testimony:
    - a. The MU-R designation is consistent with the above purpose and intent provisions (Section 9-9F-1);
    - b. The MU-R designation promotes a logical transition between residential and commercial zones (i.e., limited commercial activity is appropriate); and
    - c. Allowing limited commercial activity on the subject property will not be detrimental to any abutting single-family use with regard to parking, noise, traffic, or similar concerns; i.e., beyond those that are customary under the base (R-5 or MFR) residential zone.
  - 3. Any appeal of a planning commission decision under Section 9-9F-2 shall be reviewed by city council in a *de novo* quasi-judicial hearing under Section 9-3-7.
- B. Existing versus New Uses or Development:
  - 1. Land uses and developments existing prior to an area being rezoned to MU-R are not required to conform to the MU-R standards.

2. New uses in the MU-R zone, including conversions of existing residential uses to commercial or residential-commercial use, are required to conform to the MU overlay provisions.
- C. Except as modified by this Chapter, all applicable provisions of the zoning ordinance, including the provisions of the base zone (R-5 or MFR, as applicable), shall continue to apply to properties designated MU-R.

### **9-9F-3: PERMITTED USES**

#### **A. Permitted Uses in Residential Zones in MU-R Zone:**

1. The land uses that are permitted outright or conditionally in the underlying residential (R-5 or MFR) zone, as applicable, are also permitted outright or conditionally in the MU-R overlay, subject to the design standards in Section 9-9F-4;
2. The following uses are permitted in the MU-R zone with site plan review (Section 9-1-7) and subject to the design standards in Section 9-9F.4: offices, and service commercial uses, except those listed in subsection C, below, and provided that:
  - a. Individual commercial uses shall not exceed 2,000 square feet of floor area;
  - b. The maximum allowable floor area of commercial use on any parcel is 4,000 square feet; and
  - c. The hearing authority in reviewing a site plan for commercial use in the MU-R zone may impose conditions of approval on commercial hours of operation, exterior building design and appearance, and/or off-street vehicle parking to ensure compatibility with adjacent residential uses.
3. Commercial uses allowed under Section 9-9F-3-2 are not considered home occupations. Home occupations need only comply with the standards and procedures in Section 9-13-4.

#### **B. Prohibited Uses in Residential Zones with MU Overlay.**

1. Retail, restaurants, drinking establishments, entertainment uses, and similar uses.
2. Drive-up/drive-through facilities.
3. Automobile service, sales, repair and/or storage.
4. Outdoor commercial uses, including outdoor display of merchandise.
5. Any new or expanded garage proposed in conjunction with a commercial use.

**9-9F-4: DESIGN STANDARDS AND GUIDELINES FOR RESIDENTIALLY ZONED PROPERTIES WITH THE MU-R OVERLAY**

Structures in residential zones shall be residential in appearance. Residential appearance is evaluated through site plan review (Section 9-1-7). The review body shall apply criteria in A-H, below:

- A. Roof elevation shall consist of gables or other pitched roof form. Roof pitch shall be a minimum of 6:12. Flat roofs and mansard roofs are prohibited.
- B. Siding shall be limited to wood (lap, shingle and/or architectural-grade panel) siding, brick, stucco, natural stone or similar material. Composite materials that resemble the above materials in appearance and durability may be substituted for wood. Vinyl and metal siding is prohibited.
- C. Building height shall not exceed thirty-five (35) feet.
- D. Setbacks shall conform to the setbacks of the underlying residential zone.
- E. Lot coverage shall conform to the setbacks of the underlying zone.
- F. Signs (all types) shall not exceed a total of sixteen (16) square feet of sign face per lot or parcel in the MU-R zone. Signs shall be designed with materials that are compatible with those of the primary structure, subject to site plan review.
- G. The review body may impose other architectural requirements and/or landscaping requirements, consistent with adjacent development, to ensure a residential appearance.
- H. Where a lawfully established residential use occupies a structure that does not conform to the standards in A-G, above, the residential use may continue, but no commercial use of that structure is allowed until the standards of this article are met.