

*Potential changes to the C-1 zone are in italics*

#### SECTION 3.4: C-1: NEIGHBORHOOD COMMERCIAL ZONE

Section 3.410	Purpose
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#### SECTION 3.410 PURPOSE

To provide for the location of needed small businesses and services in the City Center for the convenience of nearby residents. Businesses are intended to fit into the residential character of the neighborhood and not create either architectural or traffic conflicts.

**SECTION 3.420 OUTRIGHT USES PERMITTED** A permitted use is a use which is permitted outright subject to the applicable provisions of this code. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Section 13.091.

In a C-1 Zone the following uses and their accessory uses are permitted outright.

1. Retail business primarily for the convenience of nearby residents, these uses are limited to grocery, drug, barber and beauty shops.
2. Home occupations (see Section 6.120).
3. Government facility limited to post office.
4. Offices.
5. Manufactured dwelling, recreation vehicle or construction office used during the construction period of a permitted or conditional use for which a building permit has been issued, but not to exceed one year.
6. Soda Fountain.

#### Potential C-1 Permitted Uses:

- A. *Retail trade establishment, such as a food store, drug store, gift shop, variety store;*
- B. *Arts and crafts gallery and studio;*
- C. *Business or professional office;*
- D. *Garden store;*
- E. *Financial institution;*
- F. *Eating and drinking establishment, except those prohibited by Section 3.435;*
- G. *Personal business service, including, but not limited to, barber shop, tailoring, printing, laundry and dry cleaning, or other service establishment;*

*H. A residential use, upstairs or downstairs in conjunction with a permitted use where the residential use does not exceed fifty percent of the building's floor area;*

*I. Utility lines necessary for public service;*

SECTION 3.430            CONDITIONAL USES PERMITTED            A conditional use is a use the approval of which is at the discretion of the Planning Commission as set forth in Article 8 Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Section 13.091.

In a C-1 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 8 and standards in Section 3.440.

1. Neighborhood Café (subject to the standards of Section 8.050 (5)).

**(NOTE: 8.050 5: A neighborhood café shall conform to the following standards:**

- A. A public need exists for the use at the proposed location. The following factors shall be considered in determining whether a public need exists: availability of similar uses, availability of other appropriately zoned locations, particularly those not giving call for a conditional use approval; and availability of other suitably zoned sites for the use.
- B. The neighborhood café shall be in operation during a minimum of eleven months in a calendar year.
- C. The neighborhood café shall be closed by 10 p.m.
- D. The neighborhood café, if located in a new structure, shall provide off-street parking spaces in the proportion of one space per 200 square feet of floor area, plus one space per employee.)

2. Variety stores.

*Proposed C-1 Conditional Uses: Consider removing Variety Stores which would be a permitted use as proposed above. Decide whether to keep Neighborhood Café as a Conditional Use. Consider adding the following conditional uses:*

- A. Government Facility or Service, publicly owned park or recreation area;*
- B. Family day care center, day care center or adult day care center;*
- C. Wholesale business in conjunction with a retail trade establishment on the same premises;*

SECTION 3.435            PROHIBITED USES            A prohibited use is one which is expressly prohibited in the zone. In addition, uses not specifically listed as permitted or conditional in the zone, or deemed to be similar uses permitted to Section 13.091 are also prohibited.

- 1. The sale or holding out for sale or allowing others to sell or hold out for sale, more than (1) new or used vehicle, motor home, trailer, recreational vehicle, motorcycle, or boats at any one time on a tax lot.

*Consider adding the following C-1 Prohibited Uses:*

- 2. Amusement arcade;*

3. *Drive-in restaurant, formula food restaurant, or mobile food vending wagon;*
4. *Other drive-in facilities such as a car wash;*
5. *Private parking lot*

SECTION 3.440 C-1 ZONE STANDARDS

In a C-1 Zone the following standards shall apply.

1. *Residential Uses shall include applicable R-1 Zone standards except: (See R-1 below)*
  - *Minimum lot size can be 5,000 square feet, and*
  - *Except where property owners offer joint easement of 25-foot side yards for accessibility to on site waste disposal facilities.*
2. *Commercial Uses shall include the following lot development standards*
  - *No lot size minimum*
  - *No lot coverage maximum*
  - *No minimum or maximum residential density*
  - *No front yard setback minimum*
  - *No side yard setback minimum except when adjoining a residential zone, then 5'*
  - *A rear yard setback shall be at least 5 feet*
  - *Building height shall be 30' or two stories, whichever is less*
3. *No off-street parking is required in the C-1 zone except for residential dwellings and neighborhood cafes located in new structures.*
4. Transportation Improvements.  
As specified in Section 6.300, Transportation Improvements.
5. *Sign requirements in accordance with Section 6.040*

**NOTE: SECTION 3.140 R-1 ZONE STANDARDS AS REFERENCED ABOVE**

*In an R-1 Zone the following standards shall apply. (For possible exceptions, see Article 4)*

1. Lot Size:  
*Lot size shall be a minimum of 10,000 square feet. SEE EXCEPTION SECTION 3.445*
2. Density:  
*The overall density on any parcel shall not exceed 4 dwelling units per net acre.*
3. Front yard:  
*A front yard shall be at least 15 feet.*
4. Side yard:  
*A side yard shall be at least 5 feet on one side and 9 feet on the other, except where the on-site waste disposal facility is accessible from a right of way or easement (then 5 feet both side yards). Except on corner lots a yard abutting the side street shall be at least 10 feet.*
5. Rear yard:  
*A rear yard shall be at least 15 feet, except accessory buildings may extend to within 5 feet of a rear property line.*
6. Height restriction:  
*Maximum height of a structure shall be 30 feet or 2 stories whichever is less.*
7. Lot coverage:

*Maximum area that may be covered by a dwelling structure and accessory buildings shall not exceed 35% of the total area of the lot.)*

SECTION 3.445 GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS

If a lot or the aggregate of contiguous lots in residential and commercial zones held in a single ownership are recorded in the office of the County Clerk at the time of the passage of Ordinance 477 (dated January 24, 1978) has an area or dimension which does not meet the respective lot size requirements, the holdings may be occupied by a use permitted in this zone subject to the other requirements of this zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling. However, no dwelling shall be built on a lot with less area than 4,000 square feet. However, an owner is entitled to an exception only if his property is isolated. If the owner of an undersized holding owns another lot adjacent to it, he is not entitled to an exception. Rather, he must combine the two holdings to form one which will meet, or more closely approximate the area requirements of this ordinance.

SECTION 3.455 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance

*Other standards to consider:*

- *Design Review. Design review requirements of Chapter Section....shall be met.*
- *Outdoor Merchandising. As allowed by Section 17.90.150. (Cannon Beach)*

***17.90.150 Outdoor merchandising – Cannon Beach***

*A. Purpose. The purpose of this section is to ensure that certain commercial activities are carried out in a manner that is aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use.*

*B. All uses in the C1, C2 and RM zones shall be conducted entirely within a completely enclosed building except that the outdoor storage, display, sale or rental of merchandise or services may be permitted where the standards of subsection D of this section are met. The following uses and activities, subject to applicable conditions, are exempt from this prohibition:*

- 1. The sale of living plant materials and cut flowers;*
- 2. Outdoor seating in conjunction with a restaurant;*
- 3. Christmas tree sales lot;*
- 4. The dispensing of gasoline at a service station;*
- 5. Newspaper vending machines subject to subsection (E)(1) of this section;*
- 6. The sale of goods and services by a nonprofit organization subject to subsection (E)(2) of this section;*
- 7. Automatic teller machines, subject to the design review requirements of Chapter 17.44;*
- 8. Telephone booths, subject to the design review requirements of Chapter 17.44;*
- 9. Live music and other outdoor performances, subject to subsection (E)(3) of this section;*
- 10. Farmers' market, subject to subsection (E)(4).*

*C. The prohibition on the outdoor storage or display of merchandise in conjunction with a commercial use applies to the general type of merchandise which is sold within the business premises, not just specific merchandise styles or brands.*

*D. The outdoor storage, display, sale or rental of merchandise or services may be permitted where:*

*1. The outdoor area in which the merchandise or service is stored, displayed, sold or rented is accessible only through a building entrance; or*

*2. The outdoor area is screened from a public street or adjacent property in a manner approved by the design review board.*

*E. The following additional requirements are applicable to certain types of outdoor merchandising:*

*1. Newspaper vending machines: Newspaper vending machines, placed on a public sidewalk, shall be located so that the use of the sidewalk by handicapped persons is not impeded. This standard shall be met by maintaining a minimum, unobstructed sidewalk width of four feet.*

*2. Nonprofit organization sales: The sale is authorized by a site-specific use permit granted by the city manager after finding that:*

*a. The sale has the approval of the owner or lessee of the property on which it is to take place;*

*b. The sale will be located in a manner that will not interfere with pedestrian or vehicular traffic;*

*c. The sale will not interfere with the operation of adjacent businesses;*

*d. The sale shall be held no more than twice a year; and*

*e. The sale shall be for a specified period of time. The duration of the sale shall not exceed one day.*

*3. Live music or outdoor performances: The music or outdoor performance complies with the following:*

*a. The event has the approval of the property owner or lessee of the property;*

*b. The location of the music will not interfere with pedestrian traffic or the operation of adjacent businesses;*

*c. Where the music is proposed to be amplified by electronic means, the location is appropriate;*

*d. The hours proposed for the live music are appropriate to the location; and*

*e. The live music will be for a specified period of time.*

*4. Farmers' market: The farmers' market is approved by a site-specific authorization made by the city manager after finding that the following standards are met:*

*a. The location will not unduly interfere with pedestrian or vehicular traffic;*

*b. The location will not unduly interfere with the operation of adjacent businesses;*

*c. The farmers' market is conducted for a specified period of time, including hours of operation; and*

*d. The farmers' market is limited to food, specific food related items and cut flowers.*

*F. For the purposes of this section, the free distribution of merchandise is considered outdoor merchandising and is prohibited. (Ord. 10-5 §§ 1, 2; Ord. 08-1 §§ 60, 61; Ord. 97-2 § 2; Ord. 90-10 § 1 (Appx. A § 44); Ord. 79-4 § 1 (4.900))*