

# Item #3 Revised post 8-20-20 PC work session

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

Section 3.410	Purpose
Section 3.420	Outright Uses Permitted
Section 3.430	Conditional Uses Permitted
Section 3.435	Prohibited Uses
Section 3.440	C-1 Zone Standards

### 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. Neighborhood Grocery Market  
A modern community market or co-op which primarily sells food and sundries including produce, meats and seafood, beer and wine, personal and household items and other grocery items. May also include a deli, soups, salad bar, bakery, ice cream and made-to-order meals and beverages to go. May offer beer growlers to go, wine tasting and limited on premise beer & wine alcohol consumption where appropriate subject to OLCC licensing. *Limited indoor seating, and outdoor seating by administrative city permit only.*
2. Barber, *Salon and Spa Services*
3. Arts and Crafts Gallery and Studio  
*A retail store which primarily sells and displays art and arts and craft supplies. May include space for art classes and space for artists to work.*
4. Home Occupations per Section 6.050
5. Government facility limited to post office
6. Offices
7. 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.

**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 CUP and standards in Section 3.440 C-1 Zone:

1. Neighborhood Café, *except for formula use as defined herein.*  
A business devoted primarily to the serving of prepared food where food is consumed while customers are seated at tables and having no more than 1300 square feet of eating area. Food and beverage may also be sold for take-out. Service may include alcohol sales on premise or to-go, where licensed by OLCC. Limited outdoor or sidewalk seating by administrative permit only.
2. Variety Store  
A neighborhood or community retail store or gift shop selling a variety of household (including home & garden items, antiques) and personal use items including apparel. Limited food sales allowed for take-out, as long as it is not the primary business, including coffee/tea, baked goods made off premises, ice cream and similar items. Limited outdoor or sidewalk seating by administrative city permit only.
3. *A residential use in conjunction with a permitted use where the residential use does not exceed fifty percent (50%) of the building's total floor area.*

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.
2. Prohibited uses as defined in Section 3.14 Tsunami Hazard Overlay Zone.
3. Amusement *activities, sports and recreational equipment rentals.*
4. Formula use, drive-in restaurant, mobile food vending wagon or other drive-in facilities such as a car wash.  
Formula Use definition: Any restaurant, bar and entertainment use and retail use that has four (4) or more other establishments in operation, or with local land use or permit entitlements already approved and effective, located anywhere in the United States. In addition to the four (4) establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two (2) or more of the following features: a standardized façade, a standardized array of merchandise, standardized array of services, a standardized décor and color scheme, uniform apparel, a standardized sign, a trademark or a service mark.
5. Private parking lot
6. Manufactured facilities: part of a business in conjunction with a permitted use where the creation of products on-site through industrialized processes takes place that may

have an impact on local utilities and the neighborhood in general including fermentation, distilling and fabrication.

7. Adult shops
8. Gambling in conjunction with a permitted use

#### Section 3.436 ADDITIONAL USE RESTRICTIONS

Development as defined in Section 1.030 definition #53 may be restricted by an overlay zone. A relevant overlay zone may include one or more as follows: Section 3.10 Flood Hazard Overlay Zone; Section 3.11 Aquatic Conservation Zone; 3.12 Beaches and Dunes Overlay Zone; Section 3.13 Freshwater Wetland and Lake Overlay Zone; Section 3.14 Tsunami Hazard Overlay Zone; Section 3.15 Airport Overlay Zone.

#### SECTION 3.440 C-1 ZONE STANDARDS

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

1. Residential uses:  
Except for a residential use approved as a part of a commercial use, residential uses are subject to applicable section 3.1 R-1 Zone Standards except:
  - The 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:
  - a. No lot size minimum
  - b. No lot coverage maximum
  - c. No minimum or maximum residential density
  - d. No front yard setback minimum
  - e. No side yard setback minimum except when adjoining a residential zone, then 5'
  - f. A rear yard setback shall be at least 5 feet
  - g. Building height shall be 30' or two stories, whichever is less
3. Off-street parking: is not required in the C-1 zone except for residential dwellings and eating and drinking establishments located in new structures in accordance with Section 6.060.
4. Design guideline for new structures: Where practicable, in accordance with the C-1 purpose statement, all new buildings and structures are encouraged to incorporate designs that support and reflect the local architectural characteristics and the residential nature of Gearhart, such as pitched roofs and wood siding.
5. Transportation Improvements as specified in Article 4.
6. Sign requirements in accordance with Section 6.020.

#### 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 related and simultaneous code amendments required for consistency and enforcement:

1. Add “pawn shop” as a permitted use in the C-2 zone to clarify pawn shops are not permitted in the C-1 zone.

Cross-reference corrections:

2. In Section 1.030 Definitions replace the existing definition of Neighborhood Café. Add new definitions for Neighborhood Café, Neighborhood Grocery Market, Variety Store and Formula Use as written in this document.
3. In Section 8.050 Conditional Use – Specific Use Standards #5. Neighborhood Café: delete items #5.B.The neighborhood café shall be in operation during a minimum of eleven (11) months in a calendar year, and #5.C.The neighborhood café shall be closed by 10 p.m.