

#### 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 OF THE C-1 ZONE

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. Home occupations (see Section 6.120).
2. Government facility limited to post office.
3. 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.
4. ~~Retail trade establishment including but not limited to~~ A food store, deli, coffee shop, juice bar, drug store, gift shop or variety store;
5. Arts and crafts gallery and studio;
6. Business or professional office;
7. Garden store;
8. Financial institution;
9. Personal business service, including, but not limited to hair styling, spa, printing or other similar service establishment;
10. Utility lines necessary for public service;
11. Sidewalk café seating or sales, subject to an administrative permit approval by the city.

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. Eating and drinking establishments, except those prohibited be Section 3.435 C-1 Prohibited Uses.

2. A residential use, upstairs or downstairs 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. *(Note: this existing language clarifies if a use is not listed as permitted or conditional, then it is prohibited, unless the PC determines it to be similar)*

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 arcade; surrey bicycle and scooter rentals
4. Drive-in restaurant, formula use, or mobile food vending wagon;
5. Other drive-in facilities such as a car wash;
6. Private parking lot

#### 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 3.140 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 6.130.
4. Design guideline for new structures: Where practicable, in accordance with the C-1 purpose statement, all new buildings and structures shall be encouraged to incorporate designs that support and reflect the local ~~NW~~ architectural characteristics and the residential nature of Gearhart, such as pitched roofs, wood siding and ~~generous~~, well maintained landscape plantings.

*(Note: I added qualifying words because the provision is subjective versus objective and therefore cannot be mandated as written, per our City Attorney. Objective design review standards must be developed and adopted for staff or PC to enforce.)*

5. Transportation Improvements as specified in Section 6.300.

6. Sign requirements in accordance with Section 6.040

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 that must be made for consistency and enforcement:

1. Add “pawn shop” as a permitted use in the C-2 zone to order to clarify pawn shops are not permitted in the C-1 zone. *(Or agree the C-1 Purpose statement and Prohibited Use statement make it clear)*
2. Cross reference corrections: replace the term “neighborhood café” with “eating and drinking establishments” in Section 6.130 Parking and Section (intro exemptions), and 8.050 Specific Conditional Use Standards 5. Neighborhood Café.
3. Delete the definition of Neighborhood Café:

Current definition of Neighborhood Café Section 1.030: A business devoted to the serving of prepared food to the public where food is consumed on the premises while customers are seated at tables and having no more than 1300 square feet of seating area or seating for no more than 40, whichever is less. Service may also include the sale of wines and malt beverages on the premises, where appropriate OLCC licenses have been obtained.

4. Add a new definition of Formula Use to Section 1.030

Formula Use: 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.