

Potential Ordinance Language for US 101 Overlay Zone and Design Standards for Seaside

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This memorandum provides draft ordinance language that could be used as a guide for establishing an overlay zone for US 101 through Seaside, and design standards that would encourage more bicycling and walking trips to businesses along the highway. Model design standards could be used to provide guidance to developers along the highway. This language has been developed by the Project Management Team (PMT) and will be discussed by the Seaside City Council and Seaside Planning Commission at a workshop in November, 2009.

Section 3.400 Highway Overlay Zone

Section 3.401 Purpose

The purpose and intent of this overlay district is to preserve the long-term capacity of US 101 through Seaside, in coordination with the Oregon Department of Transportation (ODOT). The overlay zone goals are to:

- Ensure the impacts from high traffic generating uses are limited along US 101 or anticipated and designed in such a way the capacity is protected while maintaining safety and limiting congestion along the highway.
- Require longer frontages or wider minimum lot widths than required in other zoning districts to help achieve or more closely approximate access management spacing standards.
- Creatively adapt to situations where existing development within the corridor area does not conform to the standards of this overlay district.
- Identify additional submittal information and review procedures for parcels that are adjacent to US 101.

These goals are met by establishing a review process for development property within the overlay zone.

Section 3.402 Zone Boundaries

The boundaries for the Highway Overlay Zone extend from Mill Creek on the northern end of Seaside, to Dooley Bridge at the southern end of Seaside, extending 200' on either side of US 101.

Section 3.403 Definitions

- *New Development* - All improvements on a previously unimproved site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.
- *Redevelopment* - means the act or process of changing existing development including replacement, remodeling, or reuse of existing structures to accommodate a new use that is consistent with current zoning.
- Significant number of additional trips- Based on Institute of Transportation Engineers (ITE) *Traffic Generation* , defined as 600 Average Daily Traffic (ADT) or 100 peak hour vehicle trips (from OAR 734-051-070)
- *Traffic Impact Analysis* - a study prepared by a professional engineer that analyzes existing and future roadway conditions resulting from traffic generated by a particular development.
- *Typical Weekday* - a traffic operations measure used to indicate the median traffic volumes in a given geography over the course of a year. Typical weekday conditions are determined by exploring how traffic volumes vary throughout the year, and selecting the median day, for which there are equal numbers of days where traffic volumes are heavier as there are days where traffic volumes are lighter. The traffic analysis is then conducted for the busiest hour during that day. NOTE: typical weekday conditions do not necessarily occur on a Monday-Friday timeframe. All days during the year are considered.
- *Volume/Capacity (v/c)* - For US 101, v/c is the volume of autos moving along a roadway segment vs. the capacity of the lanes to handle traffic. A v/c of 1.0 or higher indicates that there are more autos on the road than the road can fully support, and the result is roadway congestion. Intersection operations are also measured with v/c and include the volume of autos moving through an intersection vs. the capacity of that intersection to handle traffic.

Section 3.404 Administration

Section 3.404 delineates responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation impacts on US 101 from development and redevelopment approved under Section 3.400.

To maintain highway mobility along US 101 through Seaside, land use decisions concerning redevelopment within the Urban Growth Boundary shall not cause traffic flow to exceed a volume to capacity ratio of XX on a "typical weekday." The following analyses and

coordination are established to ensure redevelopment and developing parcels along US 101 will not exceed this standard.

An evaluation of compliance with the standards of this Overlay Zone by ODOT and the Seaside Planning Commission shall be conducted, and shall comply or be brought into compliance prior to issuance of any permits or approvals; if any of the following circumstances exist:

1. Proposed new development or redevelopment of property
2. Proposed land division, subdivision or site project
3. Any other circumstances where a permit request would result in significant traffic generation, or change of use for any land, buildings, or structures or change in vehicles used to access the property

Section 3.405 Outright Uses Permitted

Uses allowed in the underlying zoning district are allowed subject to the standards in that zone and all of the applicable provisions of this Overlay zone, Section 3.400. The regulations of this overlay zone apply in addition to and simultaneously with the other applicable regulations, including permitted and special land uses, of the underlying zone. Where conflicts occur between the US 101 Overlay Zone and the underlying zones, the provisions of the Overlay Zone shall apply.

Section 3.406 Review Uses and Activities

The purpose of the review use process is to provide the Seaside Planning Commission with an opportunity to ensure that a proposed new development or redevelopment conforms to policies and standards for the Highway Overlay Zone.

At the time a request for development, redevelopment, or other activity identified under Section 3.404 is proposed, the use shall be reviewed in accordance with the following:

- A. Applications for review use shall be made by the owner of the development property or the authorized agent, and shall be filed on a form prescribed by the Planning Department accompanied by the following supplemental information:
 1. Traffic Impact Analysis (TIA) - A TIA is required for all land use applications subject to the provisions in OAR 734-051-070 summarized below :
 - (i) Proposed developments generating vehicle trips that equal or exceed 600 daily trips or 100 hourly trips; or
 - (ii) Proposed zone changes or comprehensive plan changes; or
 - (iii) An on site review by the ODOT Region Manager, or authorized designee, indicates that operational or safety problems exist or are anticipated at the development property.

2. If a TIA is required, the scope, methodology, and process for the TIA should be reviewed with ODOT prior to implementation. Developers would be advised to coordinate directly with ODOT's Development Review Coordinator.
 3. For a land use application with no direct access on US 101, a minimum of ten hard copies and one electronic copy of the proposed development plan must be submitted showing: streets, driveways, sidewalks, pedestrian ways, drainage facilities, off-street parking and loading areas; location and approximate dimensions of structures, utilization of structures, including activities and the number of living units; major landscaping areas; relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space. All elements listed in this subsection shall be characterized as existing or proposed and sufficiently detailed to indicate intent and impact.
 4. Vicinity maps and information on the use and points of access utilized by any abutting property within 200 feet of the development site.
 5. A boundary survey by a registered engineer or licensed surveyor.
 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof will be required.
 7. Pursuant to OAR 734-051, direct access to US 101 fall under the regulatory control of ODOT.
- B. Within 5 working days of filing the application, the Planning Director shall forward a copy of the proposed development plan and the original application to the Public Works Department and ODOT for review and comment. The Director shall not deem the application complete until these Departments have had 5 working days to comment on the completeness of the submittal.
- C. Upon final determination by the Planning Director the application is complete, a public hearing shall be scheduled and notice provided in accordance with Section 10.060.
- D. An application for review use shall be considered by the Planning Commission. After the hearing, the Commission shall determine whether the proposal conforms to the standards and criteria set forth in the U.S. 101 overlay zone.
- E. The Commission shall render a final decision to approve, approve with condition, or deny the request based on adopted findings and conclusions. The written decision shall be issued in accordance Section 10.066.
- F. Appeals of the Commission's final decision shall be in accordance with Sections 10.068.
- G. The City will provide written notification to ODOT when land use applications approved under this Section, combined with approved building permits, result in traffic generation estimates that adversely impact the City's alternative mobility standard.

Section 3.407 Standards. In the Highway Overlay Zone, the following standards shall apply:

1. Building Size: The maximum building size will be 20,000 square feet. Buildings larger than 20,000 square feet may be considered, but are subject to additional design review
2. Density: Requirements defer to the base zone

3. Front Yard: The front yard shall be at most 10 feet
4. Side Yard: Requirements defer to the base zone
5. Rear Yard: The rear yard shall be at least 10 feet, and no more than 40, unless more yard is needed to accommodate required parking.
6. Lot Coverage: Requirements defer to the base zone

Section 3.408 Criteria. Development proposals shall be evaluated according to the following criteria:

1. The proposal is consistent with the purpose of the overlay zone, and protects the capacity of US 101
2. If the proposal involves a development with frontage along US 101, the required permits from ODOT must be obtained. If a permit already exists, proof of permit will be provided to the City and ODOT. Developers are advised to coordinate with ODOT concurrently with their development proposal to discern the appropriate permit requirements. To confirm an appropriate permit, or to obtain a permit, contact the Permit Specialist at ODOT.
3. The location, design, and size of the development are such that the development can be well integrated with the surroundings, and will adequately address the impact of development on US 101
4. The location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned streets, including US 101
5. The location, design, size and uses are such that the residence or establishment(s) to be accommodated will be adequately served by existing or planned facilities or services
6. The location, design, size and uses result in an attractive, healthful, efficient and stable environment for living, working or shopping.

Section 3.409 US 101 Capacity Preservation Standards

Land use applications subject to the provisions of Section 3.400 shall comply with the following:

- A. Transportation demand management (TDM) measures shall be strongly encouraged as a way to minimize peak hour vehicle trips and shall be subject to annual review by the City.

Section 3.410 Automobile Parking Standards

1. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the highway; except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:
 - a. Schools, assisted living facilities, and other institutional uses may have one

driveway not exceeding 20 feet in width plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway, as required by Section 3.408. The intent of this exception is use driveways that have street-like features;

- b. Attached single family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria:
 - 1) Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;
 - 2) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;
 - 3) The maximum number consecutively attached townhomes with garages facing the same street is four (4) (two driveways); and
 - 4) Street-facing garages shall be setback at least 20 feet from the street; where a building is placed less than 20 feet from the street, the 20-foot garage setback may be accomplished recessing the garage behind the front building elevation.
- c. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use) shall be encouraged to locate all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties. Off-street parking shall not be located between any building and US 101.

In overlay zones, the number of parking spaces is determined by the base zone.

Section 3.411 Vehicular Access and Circulation

1. Closure or consolidation - ODOT and/or the City may require the closing or consolidation of existing curb cuts or other vehicle access points, installation of traffic control devices and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the highway.
2. Site circulation - new developments shall be required to provide a circulation system that accommodates expected traffic on site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in section 4.040.
3. Joint and cross access - requirement - The number of driveway and private street intersections with US 101 should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access

management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations:

- a. Shared parking areas
 - b. Adjacent developments
 - c. Multi-tenant developments and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - i. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable ODOT access management classification system and standards
 - ii. A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles
 - iii. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;
4. Joint and cross access – reduction in required parking allowed – when a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced by 25 percent.
 5. Joint and cross access – easement and use and maintenance agreement – property owners shall:
 - a. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
 - b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
 6. Access connections and driveway design – all driveway connections to local street right-of-way (access) and driveways shall conform to all of the following design standards:
 - a. Driveway width – driveways on local streets shall meet the following standards:

- i. One-way driveways (one way in or out) shall have a minimum driveway width of 10 feet, and a maximum width of 12 feet, and shall have appropriate signage designating the driveway as a one-way connection.

For two-way access, each lane shall have a minimum width of 9 feet and a maximum width of 11 feet.

- b. Driveway approaches - local street driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas. Driveway Approaches on US 101 are subject to requirements for access found in OAR 734-051-0080.
- c. Driveway construction - local street driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections. Driveway Construction on US 101 is subject to requirements for access found in OAR 734-051-0080.
Between milepost 19.58 and 20.41, access management standards are 990 feet, and standards are 720 feet for the section of US 101 between mileposts 20.41 and 22.38.

11. Relocate access along local streets - upon parcel development or redevelopment, driveways and approaches on US 101 shall be analyzed to determine if the approach could be relocated onto a side street as far from the intersection with US 101 as possible, and the approach on US 101 closed.

12. Variance to Vehicular Access and Circulation Standards - Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding all of the following:

- a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
- b. There are no other alternative access points on the street in question or from another street;
- c. The access separation requirements cannot be met;
- d. The request is the minimum variance required to provide adequate access;

- e. The approved access or access approved with conditions will result in a safe access;
- f. The visual clearance requirements of Chapter 3.1 will be met; and
- g. Variances for street access deviations shall be subject to review and approval by the roadway authority.

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Non-Overlay Zone Language

The following sections are not specific to the US 101 Overlay Zone. These sections would be part of the overall ordinance language to implement the TSP (to be developed in conjunction with the TSP). This language is described in this memo because it helps illustrate the overall objective to reduce vehicle trips on the highway through encouraging use of alternate modes.

Section 4.027 Sidewalk and Recreational Trails.

Existing language:

Developers shall include and construct the portion of the proposed bike or hiking routes that run through or along the new development property as shown on the City's Comprehensive Plan Transportation Plan Maps. In land division and partitioning approval actions, the Planning Commission may waive the requirement for sidewalks where a bike and/or foot path system would be continued, and would be more appropriate for pedestrians and bicycling transportation.

Proposed addition to zoning language:

Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable streets standards, applicable provisions of Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner. Development or redevelopment of parcels along US 101 requires sidewalks along the highway. Parcel owners shall work with ODOT to determine if the sidewalk will be placed in ODOT right-of-way.

Section 4.040 Pedestrian Access and Circulation.

1. **Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections a-d, below:
 - a. **Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.408, Vehicular Access and Circulation, and applicable Transportation Standards.
 - b. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

- i. 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.
 - ii. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - iii. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - iv. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.
- c. Connections within Development. Connections within developments shall be provided as required in subsections i-iii, below:
- i. Walkways shall connect all building entrances to one another to the extent practicable;
 - ii. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and.
 - iii. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets, or driveways with street-like features, Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting

Section 4.041 Walkway Design and Construction.

Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4:

1. Vehicle/walkway separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body 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 for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
2. Crosswalks. Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (*e.g.*,

light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

4. **Walkway width and surface.** Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide.
5. **Accessible routes.** Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. 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.

Section 4.129.1 Bicycle Parking Requirements.

1. **Minimum Required Bicycle Parking Spaces.** Uses shall provide long- and short-term bicycle parking spaces, as designated in the table below. Where two options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.
2. **Exemptions.** This Section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses;
3. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable;
4. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
5. **Options for Storage.** Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
6. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking;
7. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only;
8. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Residential Uses			
Apartment dwellings, condominium or time share	Multifamily	1 per 4 units	2, or 1 per 20 units
Hotel, motel or tourist court	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Rooming or boarding house or fraternity		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	None
Public and Semi-Public Buildings and Uses			
Church		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Elementary or equivalent private or parochial schools	Grades 2-5	1 per classroom, or per CU review	1 per classroom, or per CU review
Junior High, Senior High, equivalent private or parochial school	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (Group Living)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Passenger terminal		8	None
Commercial Categories Uses			
Retail Sales store, service or repair shop		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
Retail store, service or repair shop	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Bank or Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Medical or dental clinic		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Commercial Recreation			
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Parks (active recreation areas)		None	8, or per CU review
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		