

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed use developments, combining retail and visitor-oriented activities on the ground floor with office, retail and residential uses above, are required. Within the district, pedestrian-oriented activity is encouraged. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential development within specific areas of the central business district. Large surface parking lots are not encouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians. (Ord. [1671](#) § 6, 2013; Ord. [1573](#) § 1, 2010; Ord. [1555](#) § 8, 2009).

19.20.305 Principal permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are principal permitted uses (for the purposes of this district only, uses considered to be "retail" are denoted with an (R)):

- (1) Antique shop (R);
- (2) Artist's studios and supplies (R);
- (3) Bakery, retail only (R);
- (4) Bank;
- (5) Barber and beauty shops;
- (6) Bars (R);
- (7) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises.
 - (b) Signs shall meet the requirements of OHMC [19.36.030](#).
 - (c) Bed and breakfast inns shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.

(d) If exterior lighting is proposed for the bed and breakfast inn, it shall be downward directed so as not to impact adjacent properties.

(8) Bed and breakfast rooms (residential or commercial) subject to the following conditions:

(a) A resident or manager is domiciled on site.

(b) Signs shall meet the requirements of OHMC [19.36.030](#).

(c) Bed and breakfast rooms (residential or commercial) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.

(d) If exterior lighting is proposed for the bed and breakfast room (residential or commercial), it shall be downward directed so as not to impact adjacent properties.

(9) Bicycle shop (R);

(10) Billiards and pool hall (R);

(11) Blueprinting;

(12) Bookstore (R);

(13) Brew pub (R);

(14) Camera and supply shop (R);

(15) Clothes and apparel shop (R);

(16) Cocktail lounge (R);

(17) Coffee house (R);

(18) Confectionery store (R);

(19) Conference center;

(20) Data processing facility;

(21) Delicatessen (R);

(22) Department store (R);

- (23) Dry cleaners;
- (24) Furniture shop (R);
- (25) Florist shop (R);
- (26) Gift shop (R);
- (27) Grocery store, neighborhood, provided gross floor area shall not exceed 12,000 square feet (R);
- (28) Hardware store (R);
- (29) Hobby shop (R);
- (30) Hotel and motel;
- (31) Ice cream shop (R);
- (32) Interior decorator studio (R);
- (33) Jewelry store (R);
- (34) Leather goods store (R);
- (35) Music store (R);
- (36) Offices;
- (37) Office supply and equipment store (R);
- (38) Pet shop (R);
- (39) Pharmacy and drug store (R);
- (40) Photographic film processing and associated retail sales (R);
- (41) Photographic studio and supplies;
- (42) Photocopying;
- (43) Post office;

(44) Printing shop;

(45) Residential uses, provided:

(a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;

(b) In subdistricts CBD-1 or CBD-2: dwelling units may be the primary use of the site;

(46) Restaurant, including sidewalk cafe (R);

(47) Schools for the fine arts;

(48) Shoe repair shop (R);

(49) Shoe store (R);

(50) Sporting goods shop (R);

(51) Tailor shop (R);

(52) Tavern (R);

(53) Taxi service;

(54) Theater;

(55) Tobacco shop (R);

(56) Toy store (R);

(57) Travel agencies;

(58) Trophy shop (R);

(59) Upholstery shop;

(60) Variety store (R);

(61) Visitor information center;

(62) Other uses similar to those identified above and having equal or less impact on the purposes of this section. (Ord. [1671](#) § 6, 2013; Ord. [1573](#) § 1, 2010; Ord. [1555](#) § 8, 2009).

19.20.310 Accessory permitted uses.

In a central business district (CBD, CBD-1, or CBD-2), the following are accessory permitted uses:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW [70.105.210](#);
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed the height limitations and other standards as set out in OHMC [19.20.320](#); provided said height limitation may be increased when such height is permitted per OHMC [19.28.040](#) and [19.28.050](#). (Ord. [1671](#) § 6, 2013; Ord. [1573](#) § 1, 2010; Ord. [1555](#) § 8, 2009).

19.20.315 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

- (1) Coffee kiosk;
- (2) Dancehall;
- (3) Governmental buildings for administrative or protective services;
- (4) Health club;
- (5) Land reclamation with water-dependent marine development;
- (6) Parking lots or garages not in conjunction with permitted uses;
- (7) Places of entertainment and amusement, if conducted within a wholly enclosed building;
- (8) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (9) Public utility and communications facility;

(10) Transit terminals;

(11) Swimming pools or beaches, public or private;

(12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises. (Ord. [1671](#) § 6, 2013; Ord. [1573](#) § 1, 2010; Ord. [1555](#) § 8, 2009).

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

(1) Allowable density:

District	Minimum	Maximum
CBD	None	None
CBD-1	9 du/ac	None
CBD-2	13 du/ac	None

(2) Minimum lot area, no limitation;

(3) Minimum lot width, no limitation;

(4) Minimum lot depth, no limitation;

(5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;

(6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;

(7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;

(8) Maximum building height; 35 feet; except:

(a) In CBD: building height may be increased to 45 feet if ground floor retail space (as defined in OHMC [19.20.300](#)) is developed in conjunction with a residential use;

(b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);

(c) In CBD: building height may be increased to 45 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines;

(d) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines. The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary;

(9) Maximum lot coverage, no limitation;

(10) Parking.

(a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC [19.44.110](#);

(b) Residential uses shall provide parking per Chapter [19.44](#) OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC [19.44.110](#);

(c) Any parking provided beneath a permitted residential use shall be enclosed;

(d) No more than 50 percent of the gross floor area along pedestrian-oriented streets may be used for residential parking;

(11) Design Standards.

(a) Development shall be in accordance with the provisions of the Oak Harbor commercial and industrial design guidelines;

(b) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other

separate access provisions;

(c) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:

(i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;

(ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;

(iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC [19.48.040](#);

(d) Residential development in subdistrict CBD-1 or CBD-2 shall be under a planned residential development per Chapter [19.31](#) OHMC;

(e) Nonresidential development with building heights greater than 45 feet, as approved by the design review board, shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor commercial and industrial design guidelines) plus an additional 25 square feet for each vertical foot of building height above 45 feet;

(f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet. (Ord. [1671](#) § 6, 2013; Ord. [1573](#) § 1, 2010; Ord. [1555](#) § 8, 2009).

19.20.325 Conditions governing permitted uses.

All principal uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

(1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:

(a) Off-street parking and loading;

(b) Food and drink service in connection with cafes, restaurants or other eating establishments.

(2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

(3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. [1671](#) § 6, 2013; Ord. [1573](#) § 1, 2010; Ord. [1555](#) § 8, 2009).

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter [19.48](#) OHMC. (Ord. [1671](#) § 6, 2013; Ord. [1573](#) § 1, 2010; Ord. [1555](#) § 8, 2009)